

JOURNAL
OF THE
SENATE
OF THE
2005 GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA
FIRST SESSION
2005
VOLUME 1

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**OFFICERS AND MEMBERS
OF
THE SENATE OF THE NORTH CAROLINA
GENERAL ASSEMBLY
2005 SESSION**

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 CHARLIE S. DANNELLY, Deputy President *Pro Tempore* Charlotte
 JANET B. PRUITT, Principal Clerk Raleigh
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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
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30	DON W. EAST (R).....	Pilot Mountain
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32	LINDA GARROU (D).....	Winston-Salem
33	STAN BINGHAM (R).....	Denton
34	ANDREW C. BROCK (R).....	Mocksville
35	W. EDWARD GOODALL, JR. (R).....	Weddington
36	FLETCHER L. HARTSELL, JR. (R).....	Concord
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40	MALCOLM GRAHAM (D).....	Charlotte
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43	DAVID W. HOYLE (D).....	Dallas
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48	TOM APODACA (R).....	Hendersonville
49	MARTIN L. NESBITT, JR. (D).....	Asheville
50	JOHN J. SNOW, JR. (D).....	Murphy



SENATE JOURNAL

2005 SESSION

FIRST DAY

Senate Chamber
Wednesday, January 26, 2005

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

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

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

The President recognizes the Sergeant-at-Arms of the 2003 Session of the General Assembly who announces the presence of the members of the Judiciary and the Secretary of State at the doors of the Senate. The President directs the Sergeant-at-Arms to open the doors of the Senate and to escort the members of the Judiciary and the Secretary of State to their seats.

The Chair directs the Sergeant-at-Arms of the 2003 Session of the General Assembly to open the doors of the Senate and to escort the members of the Durham Police Department Choir, Durham, North Carolina, to the Well of the Senate.

The Chair introduces The Reverend Mike Morris, who is serving as Senate Chaplain for the 2005 Session of the General Assembly, who offers prayer as follows:

"Dear Lord, in the gospel of Matthew's account of the Parable of the Talents, a wealthy landowner, before leaving on a journey entrusts the equivalent of five thousand dollars to one of his employees, two thousand to another, and one thousand to the last. Upon the landowner's return from his trip, the workers with five thousand and two thousand dollars had invested and doubled the landowner's resources. Needless to say, he was pleased. But the servant with one thousand dollars had buried his money, fearing that he might lose what had been given to him. The landowner rebuked this employee for his fearfulness.

"Look around this Senate Chamber, O God. The men and women here are not talent buriers. They are risk takers! Each of them has put much on the line to be in this place. They sacrifice time with family and friends who support and surround them here today. They give up some anonymity and find themselves instead under the watchful eye of public scrutiny.

"Most of us cannot understand all the emotions they must feel attendant to such a day.

"But I pray that the risking attitude that has brought them to this place will not be checked at the door now that they are here but will be present every day as they execute their duties in the Senate. Then, when the final gavel sounds, they will also hear Your still voice saying, 'Well done, good and faithful servants!'

"In Your Holy Name we pray, Amen."

PRESENTATION OF THE COLORS

The Chair orders the Sergeant-at-Arms of the 2003 Session to open the doors of the Chamber for the presentation of the Colors by the Pisgah High School Navy Junior ROTC from Canton, North Carolina. (*See Appendix.*)

PLEDGE OF ALLEGIANCE

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

NATIONAL ANTHEM

The President recognizes the Durham Police Department Choir who sings the National Anthem.

The President of the Senate extends privileges of the floor to Dr. Zane T. Walsh, Jr. from Fayetteville, 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.

CALL OF THE ROLL

The Chair directs the Reading Clerk of the 2003 Session to call the roll by Senatorial District, and the following Senators-elect appear with the proper certificate of election received from the Secretary of State, The Honorable Elaine F. Marshall:

THE 2005 NORTH CAROLINA SENATE

I, Elaine F. Marshall, Secretary of State of the State of North Carolina, do hereby certify that the State Board of Elections met Tuesday, the 23rd day of November, A.D., 2004, in accordance with Chapter 163 of the General Statutes of North Carolina, at which time the Board did open, canvass and judicially determine the returns of votes cast in the election held on Tuesday, November 2, 2004, and certified to me the persons duly elected as members of the Senate from the various Senate Districts comprising of more than one county, and all others have been

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certified to me in the abstracts by the State Board of Elections as having the highest number of votes cast in the election for the Senate from districts composed of one county only, for the General Assembly of 2005, to wit:

DISTRICT	NAME
First	Marc Basnight
Second	Scott Thomas
Third	Clark Jenkins
Fourth	Robert L. Holloman
Fifth	John H. Kerr, III
Sixth	Harry Brown
Seventh	Doug Berger
Eighth	R. C. Soles, Jr.
Ninth	Julia Boseman
Tenth	Charles W. (Charlie) Albertson
Eleventh	A. B. Swindell
Twelfth	Fred Smith
Thirteenth	David F. Weinstein
Fourteenth	Vernon Malone
Fifteenth	Neal Hunt
Sixteenth	Janet Cowell
Seventeenth	Richard Stevens
Eighteenth	Robert (Bob) Atwater
Nineteenth	Tony Rand
Twentieth	Jeanne H. Lucas
Twenty-first	Larry Shaw
Twenty-second	Harris Blake
Twenty-third	Eleanor Kinnaird
Twenty-fourth	Hugh Webster
Twenty-fifth	William R. (Bill) Purcell
Twenty-sixth	Philip E. (Phil) Berger
Twenty-seventh	Kay R. Hagan
Twenty-eighth	Katie G. Dorsett
Twenty-ninth	Jerry W. Tillman
Thirtieth	Don East
Thirty-first	Hamilton C. "Ham" Horton, Jr.
Thirty-second	Linda Garrou
Thirty-third	Stan Bingham
Thirty-fourth	Andrew C. Brock
Thirty-fifth	W. Edward (Eddie) Goodall
Thirty-sixth	Fletcher L. Hartsell, Jr.
Thirty-seventh	Daniel G. (Dan) Clodfelter
Thirty-eighth	Charlie Dannelly
Thirty-ninth	Robert Pittenger
Fortieth	Malcolm Graham

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Forty-first	James (Jim) Forrester
Forty-second	Austin M. Allran
Forty-third	David W. Hoyle
Forty-fourth	Jim Jacumin
Forty-fifth	John A. Garwood
Forty-sixth	Walter H. Dalton
Forty-seventh	Keith Presnell
Forty-eighth	Tom Apodaca
Forty-ninth	Martin L. Nesbitt, Jr.
Fiftieth	John Snow, Jr.

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

DONE IN OFFICE at Raleigh, this 18th day of January, 2005.

S/Elaine F. Marshall
Secretary of State

(SEAL)

The President of the Senate recognizes The Honorable Catherine C. Eagles, Resident Superior Court Judge, Judicial District 18, who administers the following Oath of Office, to which those present respond and subscribe:

“I do solemnly swear or affirm that I will support the Constitution and laws of the United States, and I do solemnly and sincerely swear or affirm that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear or affirm that I will faithfully discharge the duties of my office as a member of the Senate of the 2005 General Assembly of the State of North Carolina to the best of my knowledge and ability, so help me, God.”

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

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to Bob Eaves, husband of the Lieutenant Governor, and his daughter, Charlotte Bock, from Atlanta Georgia; The Honorable Catherine C. Eagles, Resident Superior Court Judge, Judicial District 18; The Honorable Todd W. Tilley, District Court Magistrate, Perquimans County; The Honorable Michael Morgan, Superior Court Judge, Judicial District 10; The Honorable W. Osmond Smith III, Senior Resident Superior Court Judge, Judicial District 9A; The Honorable James A. Wynn, Jr., North Carolina Court of Appeals Judge; and The Honorable Elaine Marshall, North Carolina Secretary of State.

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ORGANIZATION OF THE SENATE

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

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

“President Perdue, fellow Senators, friends, it is indeed a distinct privilege to nominate Senator Marc Basnight for another term as President *Pro Tempore* of the North Carolina Senate. Although Senator Basnight hails from the beautiful Outer Banks, and you won’t have to talk with him but for a moment or two to figure that out, his vision encompasses our entire State. He has personally driven many times from Manteo to Murphy, the old saying we’ve heard so many times, but he is stopping, literally, at every nook and every cranny to talk and to chat with the people from all walks of life along his way. It may be a farmer in a field or a person filling their car with gas or a waiter in a diner or folks in a small, rural schoolhouse. Now I’ve seen this firsthand because two years ago I happened to hitch a ride with him to go to the Outer Banks. I will say I’ll never do that again! The trip that should have gotten me to the Outer Banks in about three hours landed me there about seven hours later. Due to all the detours and the unscheduled stops and conversations that he made, it took forever. I didn’t believe I was going to live long enough to get through the trip!

“But every North Carolinian is important to Marc Basnight. He represents and serves all citizens of this wonderful State, regardless of their station in life and he does that with a passion that is unsuppressed by any of us or by any of his predecessors. These travels are done, I believe, with a calculated purpose. It allows Marc to see firsthand how the decisions in Raleigh affect the lives of ordinary people and typical communities across our State. These unplanned, unscheduled visits keep him in touch and in tune with the reality of day-to-day living in North Carolina. In the western part of North Carolina, he was a key force in helping establish a regional healthcare facility that will be a model, hopefully, for aging, wellness, and geriatrics care. In the Triad, he pushed hard to promote biotechnology and to bring new employers like Dell and Federal Express to this area. Along the coast he has worked to protect our beautiful beaches from erosion and from pollution to ensure that future generations will enjoy the beauty, as well as the bounty, from the sea. In the City of Charlotte, or as we affectionately call it here in Raleigh, the great State of Mecklenburg, he has worked tirelessly to help leaders ease transportation problems and has supported the social, the cultural, the business infrastructure that makes Charlotte a crown jewel for this Tarheel State. He works nonstop to bring help to our small rural communities to provide the tools that they need like water and sewer and infrastructure, to help their economy and help their communities grow. Marc Basnight’s great passion and vision for North Carolina has helped

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to make this a better place to live, to work, and to raise our families for every community and every person in our State, regardless of where they live or whatever their station in life might be or what political party they belong to. As leader of the Senate, Marc Basnight has trusted us and challenged us to be leaders, as well. He relies on us to make the right decisions for the people of North Carolina. He consistently challenges us to help make our initiatives stronger and our State more progressive in improving our schools, our community colleges, our universities, as well as reforming our government to make it work better and to be more responsive to our citizens. Everyone who knows Marc Basnight knows he is loyal, he is faithful, he is honest and trustworthy. He is a personal friend to us all. These are traits that I deeply admire and respect about Marc. These traits are visible to his colleagues, but they are also readily witnessed by others who meet him as he travels the highways and the back roads of this State. The hallmark of his leadership is his readiness to put personal or partisan differences aside and to work with anyone who is willing to roll up their sleeves to get the job done because his ultimate loyalty is to this great State of North Carolina and her people.

“Now, with this all said, the purpose at hand, ladies and gentlemen of the Senate, I am honored and pleased to nominate Marc Basnight, a friend of yours and a friend of mine, for another term as President *Pro Tempore* of the North Carolina Senate.”

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

“Thank you, Madame President and my fellow Senators and friends. I am pleased, I am just excited to have the opportunity to second the nomination for Senator Marc Basnight to become the President *Pro Tempore* of the Senate of North Carolina of the 2005 Session. It is a real honor to me to be able to speak on Senator Basnight’s behalf. Most of you know I’ve been here only a short period of time, but it does not take eons; it does not take forever to identify and to recognize strong, positive leadership, to recognize a man of his word. That’s what I personally have found Senator Basnight to be. He demonstrates his love for the State of North Carolina and he leads us; he encourages us to do the kinds of things that are for the benefit of the entire State. Now running this Senate is obviously a tough job. I’m sure it is, but Senator Basnight gives the time and effort – I imagine he gets terribly frustrated sometimes - but he gives the time and the effort. The doors to his office are always open for those who wish to go and have conversation with him, and he listens. When you talk to him, you know he is listening to you. It is not a perfunctory thing where he is really talking to you and looking at somebody else. He cares deeply about the tradition of this Senate – the legislative process. That’s why he challenges us to work diligently to keep this State moving forward. He does, indeed, have time for people. Personal incident, my wife, Susan, and I were at a big store here in Raleigh some years ago before I became a member of this Senate, and Senator Basnight was there, and the thing that moved me about that encounter was that

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he was raising questions with people from Wake County about what they thought this State could be and how best we could improve it, and, Senator, there's not one vote in Wake County for you because I want all them for me.

"Madame President and members of the Senate, I believe it is time for action. So I move that the nominations be closed and that Senator Basnight be elected to the office of President *Pro Tempore* of the North Carolina Senate for the 2005 Session."

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

The President declares Senator Basnight duly elected President *Pro Tempore* and appoints Senator Soles, Senator Lucas, Senator Garrou, Senator Hagan, Senator Clodfelter, and Senator Albertson to escort the President *Pro Tempore*-Elect to the Well of the Senate. Senator Soles presents Senator Basnight to the President. The Sergeant-at-Arms escorts Senator Basnight's daughter, Caroline Basnight Shannon, to the Well of the Senate to join him as he receives the Oath of Office. The Honorable Todd W. Tilley, District Court Magistrate of Perquimans County, administers the prescribed Oath of Office.

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

"Thank you, thank you, thank you, a very humbling experience to say the least. Senators Hoyle and Malone, I thank you but didn't hear what you had to say, but I will. To my escort committee, to very special friends in this Senate joined together and most especially to all members of this North Carolina Senate, we are embarking on a huge opportunity to make life richer and better for all people. To the friends and the family, my wife, my family, your family, all people gathered here today on a very special occasion, welcome. General Charlie Hagan, a two-star general who served in the Marines in World War II in the Pacific Theatre, today you represent every soldier who has ever served this Country and who are serving in conflict today, so a standing ovation for General Hagan.

"To my Lieutenant Governor, to your Lieutenant Governor and to the best Lieutenant Governor in this whole Country I thank you for being fair, generous, and caring and having concern for all the people of this great State.

"Some twenty plus years ago I met a man in the outer banks who informed me I knew very little about this State, and I was running for the State Senate and why was I running he questioned me. I said well, maybe I could help a fisherman or maybe I could help the tourist industry. Well, to him that was not good enough and you know, he was right. It was not good enough for any of us today who enter as a new member, from whatever piece of geography you come from. But he gave me so much and he has given you so much as well. Never has he really received the awards that he should, never has been nominated as the greatest that there is and never would he ever accept it, but our public schools, our universities, our community colleges, or State would not be as rich

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or as prosperous as it is today were it not for a man who is getting up in numbers and, hopefully, he'll be able to come back every two years for years to come. But I want you to give thanks to a very special friend of yours, Walter Davis. He is a Republican, by the way!

“North Carolina has made a lot of progress in years past and you are probably more responsible for that as anyone else, this Senate. We all talk about One North Carolina but you know and I know there's not One North Carolina and there are differences and problems in all regions of our State. As you go through our cities, you see congestion and see the difficulties of getting around as a pedestrian or driver of a car or someone carrying freight in one our trucks to one of our businesses. So the roads are overcrowded, our schools are overcrowded. There are trailers upon trailers upon trailers in the yards of the public schools in North Carolina. You go through sections of our cities and you see the despair, the loss and the tragedies of human life not succeeding. Places where you don't even want to go into at night. So things are not just right there. In the rural communities, when we went through Tabor City or Chadbourn, I believe it was, R. C., and you said for the first time in your life you saw a man sort of bent over. He had given up in life, there was nowhere to go to work, nothing to do. The town was boarded up. I'm not picking one particular town. You can go to many and in rural North Carolina the opportunities and chance to succeed is not there today. They lack the infrastructure that is necessary to put them on a level playing field with the more prosperous places of this State. One of those is where I live in Dare County and the Outer Banks. Tourism has been good to that community as people come in to work in the different trades. But if you leave that community and go to Hyde County, you see despair again and you wonder why is it such as this. Why is it that people have nowhere to work, to provide for their families, and to be able to give back. Well, they lack the roads, they lack the water, they lack the sewers, they lack the infrastructure, they lack the educational opportunities that bring the One North Carolina we dream of. Yesterday, talking to the mountain senators, we were concerned about what the future held unless we made a quick appropriation to fix the area back up, to repair the damage that occurred from a hurricane and a second hurricane. Villages are struck down with no one living in the houses – they are a wreck. There is debris and trash littered across the mountainsides of North Carolina as well as in Eastern North Carolina still left behind from storms from natural disasters. How is it that we look at this session and not consider having enough resources to prepare for natural disasters and having the reserves that are necessary to protect those found in harm's way and to build back a North Carolina that would give deserving opportunity to all people. All of us in here work awfully hard to give a chance and an opportunity for our children. We want them to succeed, each and everyone. We want the grandchildren to succeed. We want them to have good jobs with good benefits; we want excellent education for our children; we want health care; we want safe communities; we want a better government. Well, shouldn't we want that for every community in North Carolina and not just a few?

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“So I ask that we concentrate to a higher level than we have in the past and be more successful than we have in the past in making certain that we have job opportunity, that we build the infrastructure for the communities to attract business all across North Carolina, that we help the small businesses, that we educate all people who are prepared and ready to be educated to go to work and that we not have to listen to a judge to tell us that we have to make appropriations to small areas of this State who lack the resources to educate their children. It is incumbent that we do it and not be pressured to do so.

“When you and I speak about helping people we want to help people who are willing to work. We’re not here to give anybody anything that they don’t earn unless they have a physical or mental disability and they’re unable to do so, or unless there is no job to be found. That is where the government helps. But it is so sad when a person is willing to go to work when the whistle blows and there is no place to go. We know what has happened in North Carolina, this Country, and other places as we have exported so many jobs, not just in the textile community and in the furniture industry, but anywhere where you have to use labor. I had a conversation with the Chancellor at North Carolina State University just recently after talking to Senator Jenkins from Tarboro who was telling me about a small company there that made socks, and I said why is it that we can’t make a machine that can make the socks so that we have lost the cost of labor that we have given to China, Mexico or other places, and we can keep what labor is necessary to make us competitive in this State and the officers and the CEO’s and small business will flourish once again. Why is it that we don’t have that technology and in that conversation he told me we can develop that technology if we make the proper investments. I said is it that we could make a suit that would fit the General just perfectly from a machine that did not require labor. He said yes we can, but that technology is not before us today, that is not occurring now. Is it not appropriate that this State be the leading State to find new technologies, new opportunities and new ventures with a great view of a larger world that is giving, caring and rewarding to the citizens of this State that are prepared to go to work tomorrow and this is a part of the course of action that I charge you to participate in today. Even with technology, if we’re are not conscious of efficiencies and the removal of waste, the reduction of duplication that you find ever too often in businesses and in government, to you Appropriations members, I ask that you be more than just conscious, to be more than just reticent, to make a cut that is necessary I ask you that you give the kind of concentrated effort that we will succeed in purging our budget of any waste or any mismanagement that you can find and give it the kind of priority that’s necessary.

“You know I care about the environment, you care about the environment. You know where I come from I understand that the water is dirty and it is so easy so many times to blame when we have not fish to catch or commercial fishermen. He is the culprit, he has the reason we have no fish. But I think, Senator Horton, we have to look at ourselves, we have to look at our growth, we have to look at our development, we have to look at that easy tendency just to shoot it off into the river and let it find its own course and let it have its own effect. I believe that is definitely wrong and I believe change has to occur and should occur in this session and that when we build and develop, and I encourage that we do that, that we do it appropriately and properly and we do not stain or taint our waters and leave it to another generation to find resources that will be very difficult to do so to clean up what we left behind.

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“Not many years ago we were paying our teachers in North Carolina what was known as the national average. Just recently, we looked and found out we have slipped from that location we found ourselves in. All the gain that we had participated in, the four-year struggle to increase salaries by eight percent per year brought us to where we wanted to be and today we’ve slipped and we’re not where we should be with those salaries. The professionals that work for us, the engineers, the doctors, the nurses, the people who run our backhoes and drive our trucks, people who work in our daycares, the people that are employed by the State of North Carolina are underpaid today and I believe it is important that we focus and that we give great concentration and strive to reach a better pay plan for the future years of the employees that work for the people of this great State.

“Dr. Purcell tells each and everyone of us we do not do enough for those who cannot help themselves because of their disabilities and in the mental health arena you know that there are great struggles within families to sustain some decency as it pertains to that person. The caseload is way too long, the ratios of patients vs. the caseworker is way too large. So Senator Nesbitt and Senator Purcell, I am hopeful that we succeed in reducing the waiting lines and do the right things by people who cannot take care of themselves.

“You always need enough money to pay for things after you have taken out of the government the waste that you can find and I’m hopeful that we don’t need to have discussions on new revenue or where we find it or how we address the taxes that are to be terminated this year. I’m hopeful that we can remove those taxes, but if we’re going to remove them at the expense of the people and the development of this State, I believe we do wrong. I think it is ever so important that we look at optional taxes that no one has to participate in and that you put it on the table for discussion up or down. There are many states that are prospering today because of certain taxes that we don’t have – a cigarette tax. But if you go to Virginia today there’s a tax of twenty percent that goes to thirty cents, I believe, next year per pack plus a local tax in certain cities up to fifty cents a pack. So if you are in a certain city in Virginia, you’ll pay eighty cents a pack. I’m not suggesting, Senator Garrou, that we raise this some unfair amount but I would suggest that we do have great discussions in raising these taxes on cigarettes and applying those funds against the Medicaid costs that we are now paying out of our pockets for the taxes that we collect from income, sales, corporations and other areas and that we subtract that amount because of that loss and you apply it directly. There is a ten billion dollar identified cigarette/alcohol tax effect on this State, loss of income or something of that sort, in that magnitude. Would it not be fair that we add upon alcohol a small tax and apply that against the cost of what alcohol does and how it affects society in this State and I’d like to remind you that these are only taxes of choice, you do not have to participate. It’s not like the income tax or any other tax that we have. If you believe we need resources to let this State grow and prosper and do better I believe you should consider these as well as one that I’ve never cared for, and that’s the lottery. But we’ve surrounded ourselves with gaming activities and lotteries in this State. Tennessee, Georgia, Virginia, Alabama and other states alike now have the lottery. I believe it is time that North Carolina pass a lottery and include the money for worthwhile benefits as it pertains to education.

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“I know as I have this discussion with you today, it is not the most delighted one to have, but I believe you have to be willing to take on tough issues or we’re not doing our jobs. I do believe, as well, that if we work together to solve these problems, we make a better, richer life for all people in this State. I’d hate to come back two years from now and have to discuss the very same issues that we did not tackle again.

“So I look forward to working with all the members of the Senate and, again, I thank you and I congratulate you and I can only offer God Bless and Godspeed and thank you for what you have given me today.”

ADOPTION OF RULES

Senator Rand submits **S.R. 1**, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSIONS OF THE 2005 GENERAL ASSEMBLY, for adoption. Upon motion of Senator Rand, S.R. 1 is placed before the Senate for immediate consideration.

Senator Horton offers Amendment No. 1 which fails of adoption (23-27).

Senator Webster offers Amendment No. 2 which fails of adoption (7-43).

Senator Stevens offers Amendment No. 3 which fails of adoption (22-28).

Senator Berger of Rockingham offers Amendment No. 4 which fails of adoption (21-29).

Senator Webster offers Amendment No. 5 which fails of adoption (4-45).

Upon motion of Senator Rand, Senate Resolution 1 is adopted (34-16) and ordered engrossed.

The text of the Resolution is as follows:

Be it resolved by the Senate:

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

PERMANENT RULES OF THE REGULAR SESSIONS OF THE SENATE 2005 GENERAL ASSEMBLY OF NORTH CAROLINA

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

I. ORDER OF BUSINESS

RULE 1. Rules controlling the Senate of North Carolina and its committees. – The following rules shall govern and control all actions and procedures of the Senate and its committees.

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

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

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

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

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

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

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

- (1) Reports of standing committees.
- (2) Reports of select committees.
- (3) Introduction of bills, petitions, and resolutions.
- (4) Messages from the House of Representatives.
- (5) Veto messages from the Governor.
- (6) Unfinished business of preceding day.
- (7) Special orders.
- (8) General orders:
 - a. Local bills in numerical order, Senate bills first:
 1. Third reading roll call and electronic voting system votes.
 2. Second reading roll call and electronic voting system votes.
 3. Second reading viva voce.
 4. Third reading viva voce.

- b. Public bills in numerical order, Senate bills first:
 - 1. Third reading roll call and electronic voting system votes.
 - 2. Second reading roll call and electronic voting system votes.
 - 3. Second reading viva voce.
 - 4. Third reading viva voce.

II. CONDUCT OF DEBATE

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

RULE 9. (Reserved for future use).

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

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

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

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

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

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

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

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

title must be used.

RULE 13. (Reserved for future use).

RULE 14. **Limitations on individual debate.** – (a) No Senator shall speak on the same reading more than twice on the main question, nor longer than 30 minutes for the first speech and 15 minutes for the second speech. No Senator shall speak on the same reading more than once on any motion or appeal, and then no longer than 10 minutes.

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

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

RULE 16. (Reserved for future use).

RULE 17. **General decorum.** – (a) Male Senators and male visitors shall not wear any head covering in the Senate Chamber while the Senate is in session, unless one's religion requires his head to be covered. All persons on the Senate floor while the Senate is in session shall be dressed in business attire, including coat and tie for men.

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

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

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

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

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

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

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

- (i) The operation of:
- a. Wireless communication devices,
 - b. Pagers, or
 - c. Laptop or notebook computers

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

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

III. MOTIONS

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

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

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

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

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

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

RULE 23. Motion for previous question. – (a) The previous question may be moved upon a pending single motion, any pending amendment or amendments, and/or the pending bill to its passage on that reading or all readings or the pending resolution to its adoption. An authorized Senator

moving the previous question shall specify to what the motion applies. Unless specifically limited, the motion shall be deemed to apply to the bill or resolution along with any pending amendments to its passage.

(b) The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments and debate. If this question is decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall be taken upon such amendments in their inverse order, without further debate or amendment.

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

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

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

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

(c) If a bill has gone out of the possession of the Senate and a motion to reconsider under these rules is passed, the bill shall not be enrolled unless it again passes third reading. The Principal Clerk shall notify the House of Representatives and the Enrolling Clerk of any action under this subsection.

IV. VOTING

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

- (1) All questions on which the Constitution of North Carolina requires that the ayes and noes be taken and recorded on the Journal;
- (2) All questions on which a call for the ayes and noes under Rule 26(b) has been sustained;

- (3) Second and third readings of bills proposing amendment of the Constitution of North Carolina; and
- (4) The vote on approval of a bill that was vetoed by the Governor.
- (b) Votes on the following questions shall be taken on the electronic voting system, and the resulting totals shall be recorded on the Journal:
 - (1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading, and all conference reports on public bills.
 - (2) Any other question upon direction of the Presiding Officer or upon motion of any Senator supported by one-fifth of the Senators present.
- (c) When the electronic voting system is used, the Presiding Officer shall fix and announce the time, not to exceed one minute, which shall be allowed for voting on the question before the Senate. The system shall be set to lock automatically and to record the vote when that time has expired. Once the system has locked and recorded a vote, the vote shall be printed by the system.
- (d) The voting station at each Senator's desk in the Chamber shall be used only by the Senator to whom the station is assigned. Under no circumstances shall any other person vote at a Senator's station. It is a breach of the ethical obligation of a Senator either to request that another vote at the requesting Senator's station or to vote at another Senator's station. The Presiding Officer shall enforce this rule without exception.
- (e) When the electronic voting system is used, the Presiding Officer shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; ____ seconds will be allowed for voting on this question; the Clerk will record the vote." After the machine locks and records the vote, the Presiding Officer shall announce the vote and declare the result.
- (f) One copy of the machine printout of the vote record shall be filed in the office of the Principal Clerk, and one copy shall be filed in the Legislative Library where it shall be open to public inspection.
- (g) When the Presiding Officer ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic system, the Presiding Officer shall announce that fact to the Senate, and any partial electronic system voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes shall be taken as prescribed in Senate Rule 26. If, after a vote is taken on the electronic system, it is discovered that a malfunction caused an error in the electronic system printout, the Presiding Officer shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the Senate.
- (h) For the purpose of identifying motions on which the vote is taken on the electronic system (the identification codes having no relation to the order of precedence of motions), the motions are coded as follows:

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

RULE 26. Voice votes; call for division; call for ayes and noes.

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

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

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

(b) No Senator who is absent shall pair unless the absent Senator has obtained a leave of absence.

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

RULE 28. Dividing question. – (a) If a bill is subject to division into separate parts so that each part states a separate and distinct proposition capable of standing alone, a Senator may move that the question be divided. The motion shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. COMMITTEES

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

RULE 32. List of standing/select committees. – The standing committees shall be:

- Agriculture/Environment/Natural Resources
- Appropriations/Base Budget
 - Appropriations on Department of Transportation
 - Appropriations on Education/Higher Education
 - Appropriations on General Government and Information Technology
 - Appropriations on Health and Human Services
 - Appropriations on Justice and Public Safety
 - Appropriations on Natural and Economic Resources
- Commerce
- Education/Higher Education
- Finance
- Health Care
- Homeland Security, Emergency Management & Military Affairs
- Information Technology
- Judiciary I
- Judiciary II
- Mental Health & Youth Services
- State and Local Government
- Pensions & Retirement and Aging
- Rules and Operations of the Senate
- Transportation
- Ways & Means

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

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

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

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

- (1) The Appropriations/Base Budget and Finance Committee shall not be limited as to membership, and
- (2) The Commerce Committee may consist of more than 20 members.

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

A quorum of the Appropriations/Base Budget, Ways and Means, and Finance Committees shall consist of a majority of the committee. A quorum of any other committee shall consist of either the chair and five members or a majority of the committee, whichever is fewer.

(b) The President Pro Tempore and the Deputy President Pro Tempore may serve as ex officio members of each Senate committee and subcommittee.

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

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

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

RULE 37. (Reserved for interim operations rule).

VI. HANDLING BILLS

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

RULE 39. Form and copies of bills. – (a) Unless variation is authorized by the Committee on Rules and Operations of the Senate, bills submitted for introduction shall be in a computer-typed form prepared by the Legislative Services Office and approved by the Committee on Rules and Operations of the Senate.

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

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

(b) A local bill that has become a public bill shall not be considered in the Senate unless one of the following applies:

- (1) The North Carolina Constitution prescribes that the bill as filed must be a public bill because of its subject matter.
- (2) The bill became a public bill because counties were added, but the bill relates to the subject matter contained in the original bill.

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

Monday until 30 minutes after adjournment; and

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

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

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

RULE 40.1. Deadlines on filing for introduction of bills and resolutions. – (a) All local bills and resolutions must be filed for introduction not later than Wednesday, March 2, 2005, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Wednesday, March 9, 2005, shall be treated as if it had been filed for introduction under this rule.

(b) All public bills and resolutions, except those honoring the memory of deceased persons or adjourning the General Assembly, must be filed for introduction not later than Wednesday, March 16, 2005, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Wednesday, March 23, 2005, shall be treated as if it had been filed for introduction under this rule.

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

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

RULE 41. Crossover bill deadline. – In order to be eligible for consideration by the Senate during the 2005 or 2006 Regular Sessions of the 2005 General Assembly, all House bills other than those required to be referred to the Committee on Finance or the Committee on Appropriations/Base Budget by Rule 42 or adjournment resolutions must be received and read on the floor of the Senate as a message from the House no later than May 19, 2005, provided that a message from the House received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this rule and provided that the House accepts Senate bills ordered engrossed on the next legislative day.

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

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

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

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

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

(b) The fiscal note shall be filed and attached to the bill, resolution, or amendment within two legislative days of the request. If it is impossible to prepare a fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Presiding Officer, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note will be ready.

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

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

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

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

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

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

shall have attached to it at the time of its consideration by any committee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change, as provided in G.S. 120-114. The actuarial note shall be attached to the jacket of each proposed bill or resolution that is reported favorably by any committee and shall be clearly designated as an actuarial note. Upon its introduction, a bill or resolution described in subdivision (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement and Aging.

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

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the chief administrative officer of the system affected by the measure. The chief administrative officer shall have an actuarial note prepared by the system's actuary on the measure and shall transmit the note to the sponsor of the measure not later than two weeks after the request is received. The actuarial note may be attached to the jacket of the measure.

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

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

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

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

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

(b) Municipal Incorporations. Every legislative proposal introduced in the Senate, or received in the Senate from the House, proposing the incorporation of a municipality shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the Senate or by any committee of the Senate prior to a favorable report, a recommendation from the Joint Legislative Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of the General Statutes. The recommendation of the Joint Legislative Commission on Municipal Incorporations shall be made in accordance with the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes and shall include the findings required to be made by G.S. 120-166 through G.S. 120-170.

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

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

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

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

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

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

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

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

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

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RULE 42.5. Appropriations/Base Budget Committee meetings.

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

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

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

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

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

RULE 45.1. Action on amendment or committee substitute. – If any committee recommends adoption of an amendment or committee substitute of a bill or resolution, the amendment or committee substitute shall be considered adopted upon the reading of the committee report and shall be engrossed. Unless a committee substitute of a bill or resolution being considered by a committee is distributed to members of that committee no later than the day prior to the committee meeting, the committee substitute shall be carried over to the next day

unless a majority of the members of that committee present and voting vote to take up the measure at that time. The bill or resolution, as amended, or its adopted committee substitute shall be placed on the calendar for the next legislative day or rereferred if the bill or resolution was serially referred. The committee substitute's original bill or resolution shall lie on the table.

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

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

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

RULE 47. Recall of bill from committee and discharge petition.

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

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

(c) This rule shall not be temporarily suspended.

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

RULE 49. (Reserved).

RULE 50. Third reading requirements. – No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate present and voting.

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

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

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

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

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

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

RULE 55. **Amending titles of bills.** – When a bill is materially modified or the scope of its application extended or decreased, or if the county or counties to which it applies is changed, the title of the bill shall be changed by the Senator introducing the bill or by the committee having it in charge, or by the Principal Clerk, so as to indicate the full purport of the bill as amended and the county or counties to which it applies.

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

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

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

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

- (1) Report the bill with the recommendation either that the Senate do concur or that the Senate do not concur; and
- (2) Advise the Presiding Officer as to whether or not the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution.

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

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

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

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RULE 57. Conference committee. – The President Pro Tempore of the Senate, or in the President Pro Tempore's absence the Deputy President Pro Tempore, upon motion, shall appoint a conference committee when the Senate fails to concur in amendments or committee substitutes put by the House to a bill originating in the Senate, or when the House of Representatives fails to concur in amendments or committee substitutes put by the Senate to a bill originating in the House. Senate conferees shall include the primary sponsor of the bill. In considering the bill committed to the conferees, only such matters as are germane to the bill shall be considered by the conferees, and the conference report shall deal only with such matters. The matters referred to the conference committee by the conference committee chairs shall go to and be considered by the conferees appointed by the Senate and the House of Representatives. While the bill is in conference committee, the Senate's position shall be determined by a majority of the Senate conferees. Upon agreement by the Senate and House of Representatives, a conference report shall be drafted reflecting the matters considered and agreed upon by the conferees. The conference report shall not be amended.

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

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

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

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

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

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

VII. LEGISLATIVE OFFICERS AND EMPLOYEES

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

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

RULE 61. Sergeants-at-Arms. – (a) There shall be 16 positions of Assistant Sergeants-at-Arms, to be appointed upon the recommendation of the President Pro Tempore by the Sergeant-at-Arms, who are to work under his or her supervision and to be assigned such duties and powers as he or she shall direct.

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

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

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

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

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

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

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

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

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

VIII. GENERAL RULES

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

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

RULE 67A. Restricted admission to the floor of the Senate prior to the daily session. – No person, except members of the Senate, members of the House of Representatives, staff of the General Assembly; the staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by a member of the Senate or the Presiding Officer, shall be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session. Notwithstanding any other provision of this rule, no registered lobbyist shall be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session.

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

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

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

RULE 69. News media. – The President Pro Tempore is authorized to assign area and equipment on the floor of the Senate for the use of

the representatives of news media, and the President Pro Tempore shall provide regulations for the operation of the representatives of the news media on the floor of the Senate.

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

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

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

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

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

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

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

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

RULE 77. Alterations, suspension, or rescission of rules. – (a) These rules may not be permanently rescinded or altered except by Senate simple resolution passed by a two-thirds vote of the membership of the Senate. The

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introducer of the resolution must, on the floor of the Senate, give notice of the intent to introduce the resolution on the legislative day preceding its introduction.

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

SECTION 2. This resolution is effective upon adoption.

ELECTION OF OFFICER ESTABLISHED BY THE SENATE RULES

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

“Thank you, Madame President, members of the Senate and guests. It is my honor and privilege to nominate Charlie Smith Dannelly for the position of Deputy President *Pro Tempore* for the North Carolina Senate. It is an honor and privilege because Charlie is well qualified for that position because he has served with distinction in that position for the last two years. It is also an honor and privilege because I have known Charlie for many years, and I consider him a friend. In fact, I can remember the first time I met Charlie Dannelly in person. And I say ‘in person’ because I knew him by reputation long before that time. You see, I watch WBTB, and when Charlie was on the city council, he would be on WBTB quite often and it was obvious he was giving great leadership to that city; giving great leadership to the State of North Carolina during a challenging time. It was during that twelve years that he was on the city council that I had dinner with him. Lucille and I had dinner with him at the Vance Aycock dinner up in Asheville and as we came down the mountain, we talked about what a wonderful person Charlie Dannelly is and what a wonderful leader. We watched his political career with great interest and we were very pleased when he was elected to the North Carolina Senate. I was even more pleased a couple years later when I was elected to the Senate and realized I would have the opportunity to serve with Charlie. I have also had the pleasure of sitting next to him in many committee meetings. He has always amazed me at his common-sense approach and to the solutions that he comes up with. Charlie Dannelly is a hero, not only in the military sense because of his service in Korea where he was well decorated, but Charlie is also a hero for those who believe in improving education in this State. Charlie is a hero for those people who only want one thing in life, and that is to have the opportunity to prove their abilities. Charlie is a hero to those thousands of students who came under his tutelage during his twenty-five years as a principal in our public schools. I submit to you that Charlie Dannelly is well qualified for this position. He is deserving of another term, and I hope you will support him as I nominate Charlie Smith Dannelly for the position of Deputy President *Pro Tempore* of the North Carolina Senate.”

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

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“Thank you, Madame President and members of the Senate. I am privileged to second the nomination for Charlie Smith Dannelly for the office of Deputy President *Pro Tempore* of the North Carolina Senate. Charlie is respected by all the many people that know him. He is truly a gentleman and a gentle man. While Charlie supports economic development, he supports education, job creation, transportation. He never lets us forget here in the Senate Chamber all of those among us who are less fortunate and really are not able to help themselves. Truly Charlie, I think, is the conscience of the North Carolina Senate. Now Senator Dalton said Charlie had a very distinguished military career as an airborne officer, as well as a distinguished career in public education as a teacher and later as an administrator. He was gainfully employed, but somewhere along the way he lost his mind and decided to run for the North Carolina Senate. I’m only kidding. But Charlie surely has all the qualifications to hold this high honor that he has been nominated for, and I am very pleased and happy to second the nomination for Charlie Smith Dannelly for Deputy President *Pro Tempore* of the North Carolina Senate.”

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

The President declares Senator Dannelly elected Deputy President *Pro Tempore* and appoints Senator Dalton, Senator Malone, Senator Hoyle, Senator Lucas, Senator Garrou, and Senator Graham to escort the Deputy President *Pro Tempore* - Elect to the Well of the Senate. Senator Dalton presents Senator Dannelly to the President. The President directs the Sergeant-at-Arms to escort Mrs. Rose Dannelly to the Well of the Senate where she joins Senator Dannelly as he receives the prescribed Oath of Office. The Honorable Michael Morgan, Superior Court Judge, Judicial District 10, administers the prescribed Oath of Office.

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

“Thank you, Madame President. Ladies and gentlemen of the Senate, first let me thank God for this moment in my life and next, let me thank my best friend, my love, my wife, Rose. And of course I thank family and friends, family members too far away to be here, long-time life friends, Barbara Waymer and Jeanne Brayboy – they have always been here. I thank my constituents back home who thought enough of me to send me here. And last but not least, I thank you, my fellow Senators, for showing the confidence in me and electing me to this wonderful position.

“For the last several years, we’ve started our sessions with a serious deficit in revenue. This session is no different in that we face in excess of a billion dollar deficit. In the past, we have cut departments and programs across the board. We will probably do the same this year. Everyone, and I mean everyone, feels the pain. However, it is my opinion and the opinion of many of my constituents that the most deprived citizens suffer the heaviest burdens when we cut

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programs and make budget cuts. As we proceed with this session, let us be even more mindful of the needs of our children, our seniors, and our mentally and physically disabled citizens. We seem every year to be able to find revenues to expand or start new programs, and I'm quite sure with the brilliant minds we have in this chamber this year, someone will come up with a plan to maintain appropriate funding to provide adequate services for our disadvantaged citizens. Let us be very careful about paying for tax cuts with service reductions affecting our most needy citizens. Of the many issues we will face this year, including education, healthcare costs, the economy and employee raises, services for our least advantaged citizens is one of the main issues, I hope, we will constantly be aware of as we deliberate. Let me end this short plea by asking this chamber for one additional consideration and that is to encourage our colleagues across the hall to follow this Senate's lead and pass a moratorium on the death penalty. No one should want an innocent person to die for the guilty. Finally, let me leave you with a quote by one of my friends' and our colleagues' favorite idol, Sir Winston Churchill, and that colleague, of course, is Senator Clodfelter. Churchill said, and I quote, 'Politicians are thinking about the next election. Statesmen are thinking about the succeeding generations.' My colleagues in this Senate, let us be statesmen. Thank you and God bless."

ELECTION OF STATUTORY OFFICERS

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

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

"Thank you, Madame President. Ladies and gentlemen of the Senate, Janet Pruitt has served as our Clerk since 1997. For those of you new folks, you cannot be aware of how difficult and how tedious this job is of coordinating all the bills and all the amendments. But I'd say the main thing about Janet and her staff is they do everything with a smile on their face. They do everything they can to help us look good, sometimes that's hard because we make mistakes. Janet is one of our best advocates for us here in this body, and I would urge your support of her nomination. Thank you."

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

"Thank you, Madame President. Ladies and gentlemen of the Senate, it is my pleasure to rise to second the nomination of Janet Pruitt as the Principal Clerk of North Carolina Senate. I'd like to reiterate what Senator Garrou said. She is very efficient, she is pleasant, and she will take the time for each individual Senator to listen to what they have to say. With that, Madame President, I move that the nominations be closed."

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The motion by Senator Weinstein that the nominations be closed and that Janet B. Pruitt be elected Principal Clerk of the 2005 Senate by acclamation prevails. The President declares Janet B. Pruitt duly elected and appoints Senator Dalton, Senator Garwood, and Senator Dorsett to escort the Principal Clerk-Elect, Janet B. Pruitt, to the Well of the Senate. Senator Dalton is recognized and presents the Principal Clerk-Elect, Janet Pruitt. The Honorable Elaine Marshall, Secretary of State of North Carolina, administers the prescribed Oath of Office, and the President directs the Principal Clerk to assume her seat.

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

“Ladies and gentlemen of the Senate, in our officers in the Senate, one important position is the Reading Clerk. Throughout the history in North Carolina, reading clerks have been well known, and in the archives you will find reading clerks who served many, many, many years. Today I have the privilege of suggesting a name for you to place in nomination of Ted Harrison. Ted is a native of Salisbury. He was educated at Duke University and The University of North Carolina, receiving bachelor’s degrees from both institutions. His wife, Betsy, her father, Joe Warren, was a member of the North Carolina House, Senate, and served as the Sergeant-at-Arms of the North Carolina House. Betsy hails from Prospect Hill in Caswell County. Ted Harrison first came to this body in 1967 as a reporter for WFMY-TV in Charlotte. He then was familiar to all of us who followed the legislature in those years with the Legislative Weekly reports, reporting for UNC-TV. He served for many years in that capacity and last session we elected him as the Reading Clerk of the North Carolina Senate. I hereby place in nomination, Madame President, the name of Ted Harrison for Reading Clerk for the 2005 General Assembly for North Carolina Senate.”

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

“Thank you, Madame President, members of the Senate, ladies and gentlemen. It is my joy and esteemed honor to second this nomination. We always need someone who speaks clearly and enunciates the King’s English so that we will know what the bills are. Ted does exactly that, so I second the nomination.”

The motion offered by Senator Lucas that the nominations be closed and that Mr. Ted Harrison be elected Reading Clerk of the 2005 Senate by acclamation prevails. The President declares Mr. Ted Harrison duly elected and appoints Senator Albertson, Senator Kerr, and Senator Stevens to escort the Reading Clerk-Elect to the Well of the Senate. Senator Albertson is recognized and presents the Reading Clerk-Elect, Mr. Ted Harrison. The Honorable W. Osmond Smith, III, Senior Resident Superior Court Judge, Judicial District 9A, administers the prescribed Oath of Office, and the President directs the Reading Clerk to assume his seat.

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

“Thank you, Madame President, ladies and gentlemen of the Senate, it is my great honor and privilege today to place in nomination the name of Cecil Goins for Sergeant-at-Arms of the North Carolina Senate. Cecil is a native of Moore County, he attended NC A&T State University, served as a commissioned officer in Europe with the Big Red One. He then served for a long period of time as a Deputy Marshal with the United States Marshal Service in the Eastern District of North Carolina. That is where I came to know Cecil. I was always impressed with the way he did his duty. He was always courteous, very business-like as he went about the duties of serving the court. He and I had a, well, I represented some people that probably were considered anti-social in those days and Cecil would always handle them in a way that was professional but yet was not demeaning, I thought, and I always respected him greatly for that. He has served six terms as Sergeant-of-Arms of the North Carolina Senate and in doing so he has always acquitted himself quite well in maintaining the dignity and the operation of this body. His wife, Laverne, and he have two daughters. One is an attorney in Asheville and one is a University professor in Virginia. They are a wonderful family and he brings great experience and great dignity to the position of Sergeant-at-Arms so I would place in nomination the name of Cecil Goins as Sergeant-at-Arms of the 2005 Session of the Senate.”

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

“Thank you, Madame President, and ladies and gentlemen, my colleague didn’t leave me much to say about Cecil but I do intend to second the nomination of my good friend and a faithful servant of this Senate. Having taken care of us for twelve years and how he can do that and remain so gentlemanly I just don’t understand, but Cecil takes his Sergeant-at-Arms responsibilities seriously and we are all better off for that because he watches things we don’t see to be sure that we are safe and that the business in this chamber is conducted in the best manner. So, Madame President, I certainly second the nomination of Cecil Goins as Sergeant-at-Arms and move that the nominations come to a close.”

The motion of Senator Dannelly that the nominations be closed and that Cecil Goins be elected Sergeant-at-Arms of the 2005 Senate by acclamation prevails. The President declares Mr. Cecil Goins duly elected and appoints Senator Soles, Senator Malone, and Senator Forrester to escort the Sergeant-at-Arms-Elect, Cecil Goins to the Well of the Senate. Senator Soles is recognized and presents the Sergeant-at-Arms-Elect, Cecil Goins. The Honorable James A. Wynn, Jr., Judge of the North Carolina Court of Appeals, administers the prescribed Oath of Office, and the President directs the Sergeant-at-Arms to assume his seat.

January 26, 2005

RECOGNITION OF PARTY OFFICERS

The President directs the Reading Clerk to read as follows:

North Carolina General Assembly

Senate Chamber
State Legislative Building
Raleigh 27601-1096

December 16, 2004

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

Dear President Perdue:

This is to advise you that the Senate Democratic Caucus met on December 16, 2004, with twenty-seven members present and nominated the following officers for the 2005 Session of the General Assembly:

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

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

cc: The Honorable Marc Basnight
Ms. Janet Pruitt

North Carolina General Assembly

Senate Chamber
State Legislative Building
Raleigh 27601-2808
November 15, 2004

January 26, 2005

The Honorable Beverly E. Perdue
Room 2104
Legislative Building
Raleigh, North Carolina 27603

Madame President:

The Joint Republican Caucus met Sunday, November 14, 2004, in Greensboro to discuss leadership matters for the upcoming 2005-2006 session of the General Assembly. It is with great pleasure that I announce that the following members were elected to serve the Caucus beginning in January 2005:

Senator Phil Berger, Republican Leader
Senator Tom Apodaca, Deputy Republican Leader
Senator Jim Forrester, Joint Republican Caucus Leader

Respectfully,
S/James S. Forrester
Senate Republican Leader

cc: Senator Marc Basnight, President *Pro Tempore*

RECONSIDERATION

Having voted with the majority, Senator Rand offers a motion, seconded by Senator Clodfelter, that the vote by which Senator Basnight was elected President *Pro Tempore* of the Senate be reconsidered and further moves that the motion to reconsider do lie upon the table, which motion prevails (48-0).

REMARKS BY THE LIEUTENANT GOVERNOR

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

“Members of the Senate, this is about the only time that I speak and I want to remind you all how important today is. One hundred and forty-six sessions of the Senate, think of all the history that has gone on in this chamber before, long before you became involved in public service, long before our grandparents were born. I’d like for us all for just a moment to pause out of respect and in thanks for the thousands of brave Americans, lots and lots of them from North Carolina’s bases, who are fighting overseas right now as we do the work of the State here in this chamber. We’ve had several deaths in North Carolina in this fight for freedom, safety and security. Will you join me just quietly say a little prayer to thank them for their service and their families.... Over the past year, our State has had more members of the National Guard serving in Iraq than any other state in America. Remember that as you think about what needs to be

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done for the Guard. Thirty five hundred members of the Guard returned home in the last four weeks. I welcome them back, as do you, to your communities and your schools and your jobs. We thank them for that service for this Country. You know this State is home to an eighteen billion dollar military economy. That makes it real important, other than the fact that it stands for freedom, we are in the short rows in North Carolina in this Country of the federal government's mandate to re-evaluate military bases. Secretary Rumsfeld has said he is going to close or realign about twenty-five percent of the bases in America. You in this chamber who were here last year help set the bar for North Carolina and how we feel about the military in this State. You have become in North Carolina the envy of every state in America. Folks, governors and leaders across general assemblies in America, are saying we have got to do this and that like they did in North Carolina last session. I pray that you continue that commitment to do whatever it takes to keep our bases strong and to grow this military economy. I personally want to welcome the twelve new members of the Senate. I had to check the numbers twice, Senator Basnight. I was shocked that there was that much turnover. Good people, Welcome. I want to offer my support to Senator Basnight who's like a brother to me. We've served together a long time. To Charlie Dannelly, the Deputy Pro Tem, to Senator Rand, the majority leader and the Rules Chairman, he does so much for us; to Phil Berger, the minority leader, and to Jeanne Lucas, the majority whip, I thank you for all you do for me and for the people of North Carolina. You know, in these early days and we're still in the early days of the 21st Century, the State faces so many challenges. Senator Basnight enumerated so many of them. I have great faith, as do the people of this State, that those problems, those challenges, will be solved. Many of them will be solved this session by those of you in this room who will take a political risk and do the right things. You have got to think about different kinds of stuff – how do you compete in a global economy, what do we do to sustain North Carolina's remaining tobacco, textile and furniture workers. Senator Basnight offered one quick solution, develop the machinery and equipment to help keep those businesses here. What do you do to continue to find new economies. Last year we were all so successful in a huge investment in biotech. What's next? Are we thinking ahead of the curve? How do you prepare kids – think about this – how do you prepare kids for a world of work where eighty percent of the jobs that will exist for today's eighth graders in 2010 when they go to look for that job do not even exist today, they have not been "think of" yet. How do you prepare people for a world of work where we know for a fact we are going to change professions, not jobs, professions, eighteen times on the average during a career in these first forty years of the 21st century. I continue to believe that the economic prowess of our State lies in our people's commitment to public education. Most of us would not be here today if it were not for the public schools of North Carolina. Those early childhood experiences from Smart Start, More at Four, all the way through the community college and university system, we need to keep that commitment up. Education is a lifetime endeavor for us all. It is time that all of us in the State to admit that it just never ends. I would urge you to figure out how to work those terms of lifetime learning into the things you do in education and to acknowledge straight off that traditional and technical training is a part of life for all of us who want to succeed in the global economy and that things have to

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change in our educational system, a huge challenge. I believe strongly that e-learning, 24-7, is a mandate in North Carolina and that we have got to redesign a funding system for the public school system that is not based on seat time and for the universities not based on FTE or physical location and in my definition of public school equity, every child and every community college or university student or teacher, every citizen, in fact, in a good North Carolina, would have access to high-speed, broad-band, and that two North Carolina's that Senator Basnight talked about, that access to broad-band includes those kids and those families who cannot pay forty bucks a month for an internet service provider. They probably cannot pay for an old beat-up used computer. What are we going to do for those kids to level the playing field, for those workers, to level the playing field in North Carolina. I think technology has to be part of the new definition of 21st century infrastructure for this great State. This economy will be driven by the decisions you make here these next few months and incentives - - you're going to talk and lot about that. I hate them, but you know what, they work. We want blue chips badly to come to this State and we want them to bring those jobs to North Carolina. If you do not believe it, do what I have just done and go talk to some of those people who are praying to be hired by Dell. They believe in incentives and small businesses, wow. Ninety-six percent of the jobs in this State are in businesses like many of yours that employ less than one hundred people. We have to nurture those businesses and help entrepreneurship. Somewhere in North Carolina right now there are four or five people sitting around somebody's kitchen table and they're signing mortgage payments from the bank. They are going to put their houses on the block so that they can get the capital to start a new little business. They have that American dream and what can we do to help them? I would urge us to think about that one-stop shopping that we have talked about for so long - licensure in regulation - something that we heard over and over this past year. Help us, Senator Rand leads the effort and Senator Purcell, to figure out how to have affordable health care for all of our workers and their families. I have been told it is the number one issue again in this State for people. It is the biggest cost driver for employers, for government, and for families. You worry about it and I worry about. I believe that we have got to embark on that mission of teaching our folks that it is a lot cheaper and actually a lot more fun to stay healthy than to get sick. Well care and we've got to encourage our private and public insurers in businesses to provide for well care. My goal and yours should be to have North Carolina as the healthiest state in America. I can remember when people criticized one of our members for having bike paths in his district. Bike paths today are the dream of every community in North Carolina because they want their citizens to be healthy and well.

“So now this session is about over, your first for many of you. It is time for your families to go back home and for you to stay and start this long and arduous and very productive path of being a North Carolina Senator. You are official and you are going to work. Your family is so proud and they should be. Your district is counting on you and it should. But I would like to remind you that there are eight million or so people out there that you do not know who are counting on you equally as well, depending on you and us to make sure that this magnificent Old North State lives up to the words that were adopted by this

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body back in 1957 in that great Toast to the State. I think about those words and I hope that you do every day you are here. The real goal of North Carolina is to be the land 'where the weak grow strong and the strong grow great' if, indeed, we are to continue to be the Old North State. Congratulations."

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
January 26, 2005

Madame President:

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

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

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

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

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

Majority Leader: Joe Hackney
Minority Leader: Joe Kiser
Minority Whip: Mitch Gillespie
Republican Freshman Chair: Bryan Holloway

Respectfully,
Denise G. Weeks
Principal Clerk

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns at 2:31 P.M. to meet tomorrow, Thursday, January 27, at 10:00 A.M.

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SECOND DAY

Senate Chamber
Thursday, January 27, 2005

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

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

"Holy God, we pray today for each of the twelve first-time Senators elected to this Body. They have made it through part of what must seem like legislative boot camp.

"Yesterday, they stood among family and friends to take the oath of office. We pray they felt affirmed. Today, they may feel a little overwhelmed by the process that is yet to be learned.

"May they rely on Your ever-present help, their own good judgment, and the advice of their veteran Senate colleagues who themselves were once second-day Senators! Godspeed. Amen."

The Chair grants leaves of absence for today to Senator Berger of Rockingham and Senator Webster.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, January 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 Pro Tempore extends privileges of the floor to Dr. James B. Collins III from Smithfield, North Carolina, who is serving the Senate as Doctor of the Day, and to Angela Richardson from Henderson, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Boseman, Rand; Albertson, Berger of Franklin, Clodfelter, Dalton, Dannelly, Garrou, Graham, Hagan, Holloman, Hoyle, Jenkins, Kerr, Lucas, Malone, Purcell, Snow, Soles, Swindell, Thomas and Weinstein:

S.B. 2, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISSEMINATION OF OBSCENE AND GRAPHICALLY VIOLENT VIDEO GAMES TO MINORS AND TO REQUIRE VIDEO GAME RETAILERS TO INFORM CONSUMERS THAT A VIDEO GAME RATING SYSTEM IS AVAILABLE.

Referred to the **Commerce Committee.**

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By Senator Rand:

S.B. 3, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO REQUIRE ITS LICENSEES TO SUBMIT EVIDENCE OF CONTINUING COMPETENCY UPON LICENSE RENEWAL OR REINSTATEMENT.

Referred to the **Health Care Committee**.

By Senator Rand:

S.B. 4, A BILL TO BE ENTITLED AN ACT CONCERNING ACCESS TO THE GENERAL ASSEMBLY COMPUTER SYSTEM.

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

By Senator Jenkins:

S.B. 5, A BILL TO BE ENTITLED AN ACT STRENGTHENING THE INTEGRITY OF THE DRIVERS LICENSE, IDENTIFICATION CARD, AND LEARNERS PERMIT AS IDENTIFICATION DOCUMENTS.

Referred to the **Judiciary II Committee**.

By Senators Albertson; Apodaca, Bingham, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Goodall, Horton, Hunt, Jacumin, Jenkins, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Smith and Stevens:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES EXCEPT BY A FEDERALLY RECOGNIZED INDIAN TRIBE AS AUTHORIZED BY THE INDIAN GAMING REGULATORY ACT AND A VALID TRIBAL-STATE COMPACT.

Referred to the **Judiciary I Committee**.

PRIVILEGES OF THE FLOOR

The President *Pro Tempore* extends privileges of the floor to James Stephens III, entertainer, guest of Senator Holloman. Mr. Stephens is escorted to the Well of the Senate by the Sergeant-at-Arms.

Upon motion of Senator Shaw, the remarks of Senator Holloman are spread upon the Journal, as follows:

“It is with great pleasure that I have this opportunity to introduce a North Carolinian who has done so well. James Stephens III is an established actor, singer, comedian, and impressionist. He is considered one of the most versatile and talented artists in the Country. James plays the following instruments: piano, trumpet, guitar (bass and lead), and harmonica. He is originally from Fairmont, North Carolina. His father is a retired military person. His wife is a medical doctor with a practice on Blue Ridge Road, associated with Rex Hospital. He has lived and worked in Los Angeles for the last twenty years. He now commutes between North Carolina and Los Angeles. He and Jamie Foxx were the two finalists for the part of Ray in the Ray Charles movie. James’

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crossover appeal has taken him from performances at the White House to Carnegie Hall to the famous Apollo Theater where he received standing ovations. James' television credits include starting on the Fox TV series 'The Edge,' hosted Friday Night Videos on NBC, guest appearance on the Dana Harrison Show, the Church Lady from Saturday Night Live. Once a practicing lawyer, James honed his talents to become one of the most versatile and entertaining actors in the entertainment business today. James will appear with special guest Dick Van Patton of 'Eight is Enough' and 'Jackie' at the BTI Center here in Raleigh on March 5, 2005. It is with great honor and with great pleasure this morning that I present to you James Stephens III."

PERSONAL PRIVILEGE

Upon motion of Senator Shaw, the remarks of Senator Basnight and Rolf Blizzard are spread upon the Journal, as follows:

Senator Basnight:

"The new members did not have a chance to know Rolf Blizzard – or maybe some of you did. Rolf Blizzard worked on behalf of the people of this State through his position as my Chief of Staff, your servant. He helped all people regardless of party affiliation. That is something my office has never asked, what affiliation you are. That is a hard rule that we have if you call in for assistance or help or information or whatever it may be. He abided by that rule and he was fair to every person. He treated all the same, whether you were black or white, Jewish or Protestant, whatever you may be. He cared about the people of this State as much as any human being I've ever met. We never paid him nearly as much as he was worth. He would work from 7:00 or 7:30 in the morning in the office until 7:30 or 8:00 or 10:00 at night. He would work weekends. If he was sent to the mountains, Senator Nesbitt, or a conference or a meeting or to tour there because of the storm or whatever it may be, he would drive back that night to be back here the next morning at 7:30. If you called upon him, he would respond with efficiency and quickness. He would never leave anything on his desk that could be attended to during the day. He would badger anybody anywhere who had a responsibility to respond back to your problem. He never would send an e-mail to someone in government and say, 'This is the problem, would you take care of it?' or write a letter, as is typical of many agencies and people in government. If he sent it, a telephone call would follow up within a few minutes or hours. Then a phone call would be returned to the person that had made the request to let them know the condition and timing of that request. Then he would review the final outcome and store that outcome and then he would share it with the person. It was never handed to someone else and let it be. You experienced this with him. He's as good as the Good Lord makes. He and his wife, Ashley, are here today. He is working now in a new position with North Carolina Business and Industry. I can only wish him the very best. He did not want a watch. He is not accustomed to very expensive clothes, so we did not buy him a nice suit. He did not want a hairpiece. That was Senator Rand's suggestion, not with a ponytail, just curled

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up real nice. He did not want to come today. But I believe we are giving him the best gift that can be had and that is your wishes of thanks and a great future. So if Rolf Blizzard would come forward to receive, and we will frame this, this token from the North Carolina Senate to him for the many years, the many hours of work on your behalf and on the behalf of the people of this great State. Your Rolf Blizzard.”

Rolf Blizzard:

“Thank you, thank you. I’m looking around for the casket up here. I keep telling people I am not dying; you are probably going to see more of me now than you have before. I did really struggle with coming today. It has been a tough decision for me, but I felt like there were some things that I wanted to say to you all, and so I wrote a few things down and I am going to share those now.

“Not everyone has the opportunity to do their dream job to make a real difference in another person’s life and do it in a way at the end of the task where at least one brief moment, life and government were truly better for that same person. But because of this North Carolina Senate, I have been able to do just that and I thank you for that opportunity. Nine years ago, Marc Basnight took a chance on a recommendation from Charlie Albertson and hired a short, fat, follically challenged kid from rural Eastern North Carolina in an internship position that grew into a way of life for me and an opportunity that exceeded any expectations that I or my family ever had for myself. As a member of the President *Pro Tempore*’s staff, I saw my role as a servant. You may recall when you passed my office, I had a slogan on my wall that simply stated what I believed my job was and that was to ensure that each citizen’s life was not negatively affected simply because they did not know how to interact with the government system. I hope that my work with you here modeled that vow and that my performance illustrated that belief. You all are and always will be my Senate family. We have been through a lot together – my marriage to Ashley, the birth of my son, James Rolf, the achievement of an advanced degree, homeownership, parenthood, hurricanes, office assignments, seat assignments, water and sewer projects, road issues and budget fights. Always there with a word of encouragement and support, I knew I could count on your advice, your condemnation in some respects, your encouragement, and mostly important, your friendship. And that is the greatest gift that I take away from this Senate today – the wonderful bond of friendship that I have with you. My time here was the ride of my life. The many unique memories that I have of each of you have inscribed on my soul the fabric of what I am today. I thank you for these memories and thoughts, for all your support in my decision to move on professionally, for your understanding when the answers I had to relay were tough ones, for pushing me to be a better person and a better citizen, for everything that you have meant in my life over these last nine years. I want to especially thank you, Ashley, for your support and patience in this decision and over the last nine years. Finally, I hope that you will continue to appreciate the efforts of the entire legislative staff – the best staff in America. These guys do a tremendous job of keeping the Senate and this State moving forward. They are

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a talented and unconditionally committed part of this Senate family – the very glue that keeps this place together. I wish you much success in this new session of the General Assembly and look forward to working with you in this new chapter in my life. It's truly been an honor and a pleasure to serve with you all. Thank you."

SENATE PAGES

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

Derek Baldy, Raleigh; Nicholas Blake Corbett, Midland; Mariea A. Cotton, Durham; Kennedy J. Gilly III, Raleigh; Jesse Gore, Raleigh; Erich P. Grant, Chapel Hill; Chelsea Byrd Lang, Raleigh; Britany Tianna Lynn, Apex; Megan Matthews, Calypso; Stefan Mazzara, Cary; Anna Lee Paschal, Raleigh; Darius O. Smith, Raleigh; Ashley Spell, Raleigh; Natalie Sprague, Raleigh; Charles Logan Vester, Spring Hope and Timothy Blaine Wiles, Raleigh.

Upon motion of Senator Dannelly, seconded by Senator Soles, the Senate adjourns at 10:48 A.M. to meet Monday, January 31, at 7:00 P.M.

THIRD DAY

Senate Chamber
Monday, January 31, 2005

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

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

"Dear God, when driving by the long lines of people participating in early voting last October here in Raleigh - I forgot.

"Even when greeted by friendly precinct workers on my way to vote on Election Day - I forgot.

"But yesterday, when the news cameras showed a crippled Iraqi woman being carried to a voting station, when I heard about the scores of people killed and injured while attempting to vote in that election - I remembered.

"I remembered how much I take for granted the great privilege of making each voice heard through an open election process.

"I won't forget again, O God. I pray none of us will. Amen."

The Chair grants leaves of absence for tonight to Senator Blake and Senator Hartsell.

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

The President of the Senate extends privileges of the floor to Dr. Charles Eifrig from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Gayle Floyd from Washington, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Nesbitt, Dalton, Snow, Thomas, Apodaca; Allran, East, Garwood, Presnell and Swindell:

S.B. 7, A BILL TO BE ENTITLED AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, AND ESTABLISHING REPORTING REQUIREMENTS.

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

By Senators Forrester, Smith; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Garwood, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Presnell, Stevens, Thomas, Tillman and Webster:

S.B. 8, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT MARRIAGE IS THE UNION OF ONE

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MAN AND ONE WOMAN AT ONE TIME, AND THIS IS THE ONLY MARRIAGE THAT IS RECOGNIZED AS VALID IN THIS STATE.

Referred to the **Ways & Means Committee**.

By Senators Weinstein; and Horton:

S.B. 9, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN BOARDS OF COUNTY COMMISSIONERS TO ISSUE ORDINANCES PERMITTING LIMITED HORSE RACING FOR ECONOMIC DEVELOPMENT PURPOSES.

Referred to the **Commerce Committee**.

By Senators Weinstein; Dannelly, Malone, Purcell, Rand and Swindell:

S.B. 10, 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 Weinstein; Garwood, Kinnaird and Shaw:

S.B. 11, A BILL TO BE ENTITLED AN ACT TO ADJUST THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.

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

By Senators Weinstein; Albertson, Apodaca, Bingham, Dalton, Forrester, Garwood, Holloman, Kinnaird, Pittenger, Purcell, Shaw and Smith:

S.B. 12, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

Referred to the **Ways & Means Committee**.

By Senators Weinstein; Albertson, Apodaca, Bingham, Dalton, Forrester, Garwood, Holloman, Kinnaird, Pittenger, Purcell and Smith:

S.B. 13, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

Referred to the **Ways & Means Committee**.

By Senator Soles:

S.B. 14, A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE.

Referred to the **Finance Committee**.

By Senator Soles:

S.B. 15, A BILL TO BE ENTITLED AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER.

Referred to the **Finance Committee**.

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By Senator Soles:

S.B. 16, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TABOR CITY.

Referred to the **Finance Committee**.

SENATE PAGES

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

Charity Noel Bazen, Trinity; Samuel Cox, Raleigh; Travis W. Dalton, Oak Ridge; Evita Freeman, Greensboro; Jenni Carol Ham, Kinston; Gavin Humphrey, Wilmington; Mary Caitlan McKeithan, Laurinburg; Christopher Marcus Morrow, Lake Junaluska; Rebecca Lynne Pierce, Laurinburg; Samantha L. Vandermeade, Clyde; and Joseph L. Wallace, Greensboro.

INTRODUCTION OF BILLS AND RESOLUTIONS

Upon motion of Senator Rand, the rules are suspended and a joint resolution filed for introduction today is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Dorsett, Hagan; Bingham, Dannelly, Lucas and Malone:

S.J.R. 17, A JOINT RESOLUTION HONORING THOSE WHO PARTICIPATED IN THE SIT-IN MOVEMENT THAT BEGAN IN THE CITY OF GREENSBORO ON THE 45TH ANNIVERSARY OF THE MOVEMENT.

Upon motion of Senator Rand, the joint resolution is placed on tomorrow's Calendar.

PRIVILEGES OF THE FLOOR

The President *Pro Tempore* extends privileges of the floor to Congressman Brad Miller of the 13th Congressional District, former Senator from Wake County.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 7:25 P.M. to meet tomorrow, Tuesday, February 1, at 3:00 P.M.

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FOURTH DAY

Senate Chamber
Tuesday, February 1, 2005

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 Senators will have to exercise some measure of both faith and knowledge as they execute their duties. Some people actually believe these two great resources are mutually exclusive.

"Some believe that knowing all the answers is a sign of great faith, but authentic faith has little to do with having answers and a great deal to do with seeking truth!

"Others say the greater the faith, the greater the ignorance...also not true. It will not be an act of faith to leave one's great ideas outside this Senate Chamber.

"So God, give out ample amounts of knowledge and faith to each of the members here today. Amen."

The Chair grants leaves of absence for today to Senator Berger of Rockingham and Senator Hartsell.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, January 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. John Butterworth IV from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Chris Hazen from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Brock; Allran, Brown, East, Forrester, Goodall, Hunt, Rand, Tillman, Webster and Weinstein:

S.B. 18, A BILL TO BE ENTITLED AN ACT TO MOVE THE PRESIDENTIAL PREFERENCE PRIMARY TO FEBRUARY.

Referred to the **Judiciary I Committee.**

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By Senators Brock; and Horton:

S.B. 19, A BILL TO BE ENTITLED AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING A REFERENDUM ON ANNEXATION ON PETITION OF THE RESIDENTS BEING ANNEXED, AND TO ALLOW THE CITY TO PROVIDE FOR A REFERENDUM ON ANNEXATION.

Referred to the **Judiciary I Committee**.

By Senator Kinnaird:

S.B. 20, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE.

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

By Senator Kinnaird:

S.B. 21, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE.

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

By Senator Kinnaird:

S.B. 22, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE.

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

By Senator Kinnaird:

S.B. 23, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PERSON.

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

By Senator Kinnaird:

S.B. 24, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PERSON.

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

By Senator Kinnaird:

S.B. 25, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PERSON.

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

Upon motion of Senator Rand, the rules are suspended and a bill filed for introduction today is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Stevens, Cowell; and Atwater:

S.B. 33, A BILL TO BE ENTITLED AN ACT TO ALLOW A TRIAL PROJECT FOR VOTING BY MAIL IN MUNICIPAL ELECTIONS AND REFERENDA CONDUCTED IN MAY OF 2005.

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

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EXECUTIVE ORDERS

The following Executive Orders received after adjournment *sine die* of the 2003 General Assembly, 2004 Regular Session, on July 18, 2004, are presented to the Senate, read, and ordered filed in the Office of the Senate Principal Clerk, as follows (*See Appendix.*):

Executive Order Number 61, Public School Funding.

Executive Order Number 62, Proclamation of State of Disaster for Dare and Hyde Counties.

Executive Order Number 63, Proclamation of State of Disaster by the Governor of the State of North Carolina.

Executive Order Number 64, Emergency Relief for Damage Caused by Hurricane Charley.

Executive Order Number 65, Proclamation of State of Emergency by the Governor of the State of North Carolina.

Executive Order Number 66, Proclamation of State of Disaster by the Governor of the State of North Carolina.

Executive Order Number 67, Emergency Relief for Damage Caused by Hurricanes Charley and Frances.

Executive Order Number 68, Proclamation of a State of Emergency and State of Disaster by the Governor of the State of North Carolina.

Executive Order Number 69, Emergency Relief for Damage Caused by Hurricane Ivan.

Executive Order Number 70, Proclamation of State of Emergency by the Governor of the State of North Carolina.

Executive Order Number 71, Proclamation of State of Emergency by the Governor of the State of North Carolina.

CALENDAR

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

S.J.R. 17, A JOINT RESOLUTION HONORING THOSE WHO PARTICIPATED IN THE SIT-IN MOVEMENT THAT BEGAN IN THE CITY OF GREENSBORO ON THE 45TH ANNIVERSARY OF THE MOVEMENT.

Upon motion of Senator Rand, the President orders, without objection, the joint resolution temporarily displaced.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 26, A JOINT RESOLUTION HONORING THOSE WHO PARTICIPATED IN THE SIT-IN MOVEMENT THAT BEGAN IN THE CITY OF GREENSBORO ON THE 45TH ANNIVERSARY OF THE MOVEMENT.

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

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CALENDAR (*continued*)

H.J.R. 26, A JOINT RESOLUTION HONORING THOSE WHO PARTICIPATED IN THE SIT-IN MOVEMENT THAT BEGAN IN THE CITY OF GREENSBORO ON THE 45TH ANNIVERSARY OF THE MOVEMENT, placed earlier on today's Calendar.

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

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

Senator Dorsett:

“Thank you, Madame President and members of the Senate. Forty-five years ago today, four courageous young men sat down at Woolworth’s Department Store so that they could sit down for freedom and that we could all enjoy freedom throughout the world. Those courageous young men, Ezell Blair (known as Jibreel Khazan), Joseph McNeil, Franklin McCain, and the late David Richmond changed the course of history, not only for Greensboro, but for America and, indeed, for the world. Those young men refused to get up until they were served and thus a national sit-in movement began. Now they started on one day but the second day they were joined by young women from UNC-G and the next day young women from Bennett College and then Dudley High School students and others throughout the city and so this sit-in movement was launched. This act of civil disobedience prompted actions throughout the South and eventually it ended our Jim Crow laws. This day is particularly significant to me because I was on the faculty on February 1, 1960, and so I felt very much a part of it. Now I’m reminded often of the remarks of the then-President Warmouth T. Gibbs when he was told by some establishment leaders that ‘you need to control those young people up there.’ His reply was, ‘We teach our people how to think and not what to think.’ So that was one of the things that those young people took to heart and their thinking skills really made them aware of the need of this movement and so today, we commemorate this occasion sparked by these courageous young men and certainly we honor them today and we express our gratitude and our thanks for their acts of courage. There were many activities. I’ve been up and out since 6:30 this morning to various activities and I don’t end until tonight. So it’s indeed a day of celebration and the young men are there. Today they also dedicated a façade and I want to just share with you not the entire inscription, but I want to read with you just the first and last lines of this dedication of the inscription. ‘In memory of generations past and those to come, we mark this first day of February, 2005, commemorating the 45th Anniversary of America’s most celebrated lunch counter sit-in movement.’ Then there are other things in between, but the last line says, ‘In tribute to the enduring mark that was made February, 1, 1960, by these four North Carolina A & T University freshmen, we pay tribute to the allegiance of men, women, and children of every race and color who peopled this battle and continue to this day to champion justice.’ It’s, indeed, a great day for North Carolina and a great day for the state of North Carolina and the world so I commend the resolution to you. Thank you.”

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Senator Hagan:

“At noon today, I also was in Greensboro with Senator Dorsett and others on the corner of Elm Street and February 1 Place, which is right in front of Woolworth’s. There were hundreds of people out there, it was 33 degrees, and we were commemorating really these four young men who took this courageous step. As I was sitting there standing next to three of the men and as, Senator Dorsett said, Mr. Richmond died in 1990, I began to think about what I was doing at 18 years old. Think of where you were at 18 years old and if you were in college. These four men were freshmen at North Carolina A & T. Think of what the courage that they had to discuss this. There was lots of discussion going on between the students and then to actually take the walk on February 1 from A & T to the Woolworth’s and sit at the counter, knowing that they would be refused and really not knowing what would happen. As Senator Dorsett said, it was the start of many people joining them day after day and it really did have a movement that swept the nation. The media got on this and it really did, it took over. Hundreds of thousands of people replicated this around the nation. It was actually on June 25 of 1960 when they actually began being served, the African Americans were served and that will be the date that the museum actually opens in Greensboro, come in June. One of the things that some of the speakers talked about this morning was that when you think about the Thirteenth Amendment that did away with slavery in our U.S. Constitution, I want to read this to you. ‘Neither slavery nor involuntary servitude, except as a punishment for crime where of the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.’ North Carolina ratified the Thirteenth Amendment on December 4, 1865. It was ninety-five years later that African Americans still could not eat at the Woolworth’s lunch counter. They would take their money for products, for packages, for any parcels, anything to buy, and they could take it to go, but not to eat at the counter. I think of the Jim Crow laws that were just so devastating to happen to our population. I really have been so honored to meet the four men who did this and the three that we honored today. They’re just courageous men and I hope that when you get a chance and the museum opens that you can come to Greensboro. There will be some wonderful exhibits in the museum. There is going to be a replica of their dorm room at A & T. There will be a film depicting what the men were talking about prior to actually coming. There is going to be a re-enactment of that. There will be a portal, and I’m not sure exactly how it’s going to be, but of a railroad station showing the colored only signs and the white only restrooms and the white only water fountains. There are also going to be artifacts, as in any museum. There will be artifacts of the wooden chair that Martin Luther King was sitting in when he was being arraigned in Birmingham, going to jail. There will also be a letter written by Booker T. Washington and many other things. Representative Brad Miller was also with us this morning, and he and Representative Watt and Representative Coble put forth the resolution in Congress, also commemorating this date. I just think that the courage that these young men showed really sets North Carolina A & T apart and our State and we are very proud of everything that they stood for and continue to stand for. So I urge you to pass this resolution. Thank you.”

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Senator Basnight:

“Thank you, Madame President, members of the Senate. As you use the word, ‘courage’, I think back upon the courage that was found in all African Americans but not allowed to surface. If you think of that day, in that time, society was changing and people in general enough to allow that you could have courageous people to walk forward, Senator Dorsett, and take a stand, because if you had tried to do it ten years prior to that date or twenty years prior to that date, the Ku Klux Klan or some other society of whites would have been available to stop the courageous among the African American community. The change in the hearts and the life and the belief of all of us as a people has been gradual and slow. But there was a recognition that something was wrong where you would disallow any human being the right to sit at a counter and have lunch or to participate in everything that our forefathers fought for and believed in, justice, equality, the opportunity to succeed in life. There was a change, and it was in the air and fortunately it occurred in our community where we can be recognized as a people different than others, that we believe in freedom; we believe in rights. There is a big difference between right and wrong. Those people expressed it that day, and I thank them.”

ADDITIONAL SPONSOR

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

S.B. 8, 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.

Upon motion of Senator Basnight, seconded by Senator Garrou, the Senate adjourns subject to ratification of bills and announcement of committee appointments, to meet tomorrow, Wednesday, February 2, at 2:00 P.M.

2005-2006 SENATE COMMITTEE APPOINTMENTS

Pursuant to Senate Rules 31 and 32, Senator Basnight, President *Pro Tempore*, announces the following appointments of the Committee Chairs and Committee Members for the 2005-2006 Session:

Agriculture/Environment/Natural Resources

Chairman	Senator Albertson
Vice Chairman	Senator Allran
Vice Chairman	Senator Kinnaird
Vice Chairman	Senator Swindell
Vice Chairman	Senator Weinstein
Vice Chairman	Senator Clodfelter

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Ranking Minority Member Senator Horton
Members Senators Atwater, Bingham,
 Brock, East, Garwood, Hartsell,
 Holloman, Jenkins, Smith, Snow,
 Thomas, Tillman, Webster

Appropriations/Base Budget

Co-Chairman Senator Garrou
Co-Chairman Senator Dalton
Co-Chairman Senator Hagan
Vice Chairman Senator Albertson
Members Senators Apodaca, Atwater,
 Berger, D., Berger, P., Bingham, Blake,
 Boseman, Brock, Brown, Clodfelter,
 Cowell, Dannelly, Dorsett, East,
 Forrester, Garwood, Graham, Hartsell,
 Holloman, Horton, Hoyle, Hunt,
 Jacumin, Jenkins, Kerr, Kinnaird,
 Lucas, Malone, Nesbitt, Pittenger,
 Presnell, Purcell, Rand, Shaw, Smith,
 Snow, Soles, Stevens, Swindell,
 Thomas, Tillman, Weinstein

Appropriations on Department of Transportation

Chairman Senator Jenkins
Vice Chairman Senator Soles
Ranking Minority Member Senator Berger, P.
Members Senators Boseman, Brown,
 Holloman, Hunt, Shaw

Appropriations on Education/Higher Education

Co-Chairman Senator Lucas
Co-Chairman Senator Swindell
Vice Chairman Senator Nesbitt
Ranking Minority Member Senator Garwood
Members Senators Atwater, Hartsell,
 Stevens

Appropriations on General Government and Information Technology

Chairman Senator Dorsett
Vice Chairman Senator Hoyle
Members Senators Brock, Cowell, Graham,
 Jacumin, Smith

Appropriations on Health and Human Services

Co-Chairman Senator Purcell
Co-Chairman Senator Malone

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Vice Chairman	Senator Dannelly
Ranking Minority Member	Senator Forrester
Members	Senators Berger, D., Blake, East, Kerr

Appropriations on Justice and Public Safety

Chairman	Senator Thomas
Vice Chairman	Senator Snow
Ranking Minority Member	Senator Bingham
Members	Senators Apodaca, Kinnaird, Presnell, Rand

Appropriations on Natural and Economic Resources

Chairman	Senator Weinstein
Vice Chairman	Senator Albertson
Ranking Minority Member	Senator Horton
Members	Senators Clodfelter, Tillman

Commerce

Chairman	Senator Soles
Vice Chairman	Senator Hoyle
Vice Chairman	Senator Rand
Ranking Minority Member	Senator Berger, P.
Members	Senators Apodaca, Berger, D., Blake, Boseman, Dalton, Dorsett, Forrester, Garrou, Goodall, Graham, Jacumin, Kerr, Malone, Nesbitt, Presnell, Purcell, Shaw, Stevens

Education/Higher Education

Co-Chairman	Senator Lucas
Co-Chairman	Senator Swindell
Co-Chairman	Senator Garwood
Vice Chairman	Senator Horton
Ranking Minority Member	Senator Allran
Members	Senators Apodaca, Berger, D., Bingham, Dalton, Dannelly, Dorsett, Forrester, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Jenkins, Malone, Nesbitt, Purcell, Rand, Smith, Snow, Stevens, Thomas, Tillman

Finance

Co-Chairman	Senator Hoyle
Co-Chairman	Senator Kerr
Vice Chairman	Senator Clodfelter
Vice Chairman	Senator Shaw

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**Ranking Minority Member
Members**

Senator Hartsell
 Senators Albertson, Allran,
 Apodaca, Berger, P., Blake, Boseman,
 Brock, Cowell, Dalton, Dannelly,
 Garrou, Hagan, Hunt, Jenkins, Kinnaird,
 Nesbitt, Purcell, Rand, Smith, Soles,
 Stevens, Swindell, Thomas, Tillman,
 Webster, Weinstein

Health Care

Co-Chairman
Co-Chairman
Vice Chairman
Vice Chairman
**Ranking Minority Member
 Members**

Senator Purcell
 Senator Bingham
 Senator Allran
 Senator Dorsett
 Senator Forrester
 Senators Berger, D., Dannelly,
 Garwood, Goodall, Hartsell, Hoyle,
 Jacumin, Nesbitt, Kinnaird, Lucas,
 Malone, Rand

Information Technology

Co-Chairman
Vice Chairman
Vice Chairman
**Ranking Minority Member
 Members**

Senator Malone
 Senator Cowell
 Senator Graham
 Senator Berger, P.
 Senators Atwater, Brock, Dorsett,
 Goodall, Hagan, Stevens

Judiciary I

Chairman
Vice Chairman
Vice Chairman
Members

Senator Clodfelter
 Senator Soles
 Senator Berger, P.
 Senators Albertson, Boseman,
 Brock, Brown, Cowell, Horton, Hoyle,
 Jenkins, Lucas, Malone, Nesbitt,
 Presnell, Rand, Stevens, Tillman

Judiciary II

Chairman
Vice Chairman
Vice Chairman
**Ranking Minority Member
 Members**

Senator Hartsell
 Senator Allran
 Senator Thomas
 Senator Webster
 Senators Apodaca, Atwater,
 Berger, D., Bingham, Dalton, Dannelly,
 Dorsett, Forrester, Goodall, Graham,
 Holloman, Jacumin, Kerr, Kinnaird,
 Snow, Swindell

Mental Health & Youth Services

Chairman	Senator Kinnaird
Vice Chairman	Senator Nesbitt
Ranking Minority Member	Senator Forrester
Members	Senators Allran, Bingham, Brock, Brown, Cowell, Dannelly, Goodall, Jacumin, Lucas, Malone, Purcell, Snow, Swindell, Thomas

Opportunities and Needs for Economic Growth**In North Carolina ("ONE NC")**

Chair	Senator Nesbitt
Vice Chair	Senator Thomas
Vice Chair	Senator Weinstein
Ranking Minority Member	Senator Garwood
Members	Senators Albertson, Allran, Apodaca, Boseman, Brown, Clodfelter, Dalton, Dannelly, East, Forrester, Holloman, Hoyle, Jenkins, Kerr, Rand, Snow, Soles, Swindell

Pensions & Retirement and Aging

Co-Chairman	Senator Garrou
Co-Chairman	Senator Dalton
Co-Chairman	Senator Hagan
Co-Chairman	Senator Allran
Members	Senators Albertson, Bingham, Dorsett, East, Forrester, Jenkins, Lucas, Malone, Purcell, Rand, Swindell, Thomas, Weinstein

Rules and Operations of the Senate

Chairman	Senator Rand
Vice Chairman	Senator Dalton
Ranking Minority Member	Senator Horton
Members	Senators Albertson, Apodaca, Berger, P., Brock, Clodfelter, Dorsett, Forrester, Hoyle, Kinnaird, Nesbitt, Pittenger, Soles, Swindell, Thomas

State Government & Local Government

Co-Chairman	Senator Holloman
Co-Chairman	Senator East
Vice Chairman	Senator Dorsett
Ranking Minority Member	Senator Hartsell

February 1, 2005

Members

Senators Albertson, Atwater,
Berger, D., Berger, P., Boseman,
Clodfelter, Garwood, Graham, Horton,
Presnell, Smith, Soles, Stevens, Weinstein

Transportation**Chairman**

Senator Shaw

Vice Chairman

Senator Hoyle

Vice Chairman

Senator Boseman

Ranking Minority Member

Senator Horton

Members

Senators Berger, P., Brock,
Clodfelter, East, Graham, Hunt,
Jenkins, Presnell, Stevens, Snow,
Swindell, Thomas, Tillman, Weinstein

Ways and Means**Chairman**

Senator Dannelly

Vice Chairman

Senator Weinstein

Ranking Minority Member

Senator Allran

Members

Senators Albertson, Goodall,
Hartsell, Hoyle, Hunt, Jenkins, Kerr,
Lucas, Malone, Swindell

ENROLLED BILLS AND RESOLUTIONS

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. 26, A JOINT RESOLUTION HONORING THOSE WHO PARTICIPATED IN THE SIT-IN MOVEMENT THAT BEGAN IN THE CITY OF GREENSBORO ON THE 45TH ANNIVERSARY OF THE MOVEMENT. (Res. 1)

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:59 P.M.

FIFTH DAY

Senate Chamber
Wednesday, February 2, 2005

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

February 2, 2005

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

"Dear God, I'd like to share with the Senate a comment made by another minister when he discovered that we offer invocations at the beginning of each day's session.

"Oh,' he said, 'Potted plant prayers...ornamental and hardly noticed.'

I looked him straight in the eye. 'That can only be true if God isn't listening,' I said, 'Because I know the Senators are.'

"We are grateful that You are attentive to our petitions each day making these prayers anything but potted plants! Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, February 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 privileges of the floor to Dr. John L. Burkard, Jr. from Raleigh, North Carolina, who is serving as Doctor of the Day, and Madjimbaye Namde from Durham, North Carolina, who is a second-year medical student at Duke University Medical Center.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Hoyle:

S.B. 26, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON.

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

By Senator Hoyle:

S.B. 27, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON.

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

By Senator Hoyle:

S.B. 28, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON.

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

By Senator Hoyle:

S.B. 29, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON.

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

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By Senator Hoyle:

S.B. 30, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON.

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

By Senators Hoyle; Malone, Rand, Snow, Swindell, Thomas and Weinstein:

S.B. 31, 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** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Hoyle; Dalton, Malone, Rand, Snow, Swindell, Thomas and Weinstein:

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP.

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

By Senators Albertson; Apodaca, Clodfelter, Dorsett, Garrou, Holloman, Horton, Hoyle, Jenkins, Malone, Stevens and Weinstein:

S.B. 34, A BILL TO BE ENTITLED AN ACT TO MAKE NECESSARY STATUTORY CHANGES TO IMPLEMENT A PROPOSED CONSTITUTIONAL AMENDMENT TO PROVIDE THAT THE ELECTED MEMBERS OF THE COUNCIL OF STATE ARE THE GOVERNOR, LIEUTENANT GOVERNOR, AUDITOR, TREASURER, AND ATTORNEY GENERAL.

Referred to the **Ways & Means Committee**.

By Senators Hoyle; and Kerr:

S.B. 35, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS IN ORDINANCES ENACTED PURSUANT TO THE AUTHORIZATION FOR LOCAL GOVERNMENTS TO ENACT TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM ORDINANCES.

Referred to the **Judiciary I Committee**.

CALENDAR

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

S.J.R. 17, A JOINT RESOLUTION HONORING THOSE WHO PARTICIPATED IN THE SIT-IN MOVEMENT THAT BEGAN IN THE CITY OF GREENSBORO ON THE 45TH ANNIVERSARY OF THE MOVEMENT, for second reading.

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

February 2, 2005

COMMITTEE APPOINTMENTS

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

Senator Hartsell is appointed Vice Chairman of the **Opportunities and Needs for Economic Growth in North Carolina (One NC) Committee;**

Senator Cowell is appointed to the **Agriculture/Environment/Natural Resources Committee.**

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns at 2:32 P.M. to meet tomorrow, Thursday, February 3, at 10:00 A.M.

SIXTH DAY

Senate Chamber
Thursday, February 3, 2005

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 are grateful for the successes this week that have brought energy and enthusiasm to us and for the learning experiences that can only come from failure; for the optimism about what will be accomplished here in the days ahead.

"But this morning we call to mind former Senator Bob Carpenter, whose daughter Jane died this week. Her funeral will be tomorrow. We know that his strong faith in You, which has been such a testimony to all of us here, will sustain him at this difficult time. Here our prayer. In your Holy Name we pray, Amen."

The Chair grants leaves of absence for today to Senator Allran, Senator Clodfelter and Senator Pittenger.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, February 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 privileges of the floor to Dr. John P. Ebert from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Barbara Stancil from Kenly, North Carolina, who is serving the Senate as Nurse of the Day.

February 3, 2005

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Swindell, Dannelly, Allran; Albertson, Apodaca, Bingham, Boseman, Dalton, Garwood, Hoyle, Jenkins, Lucas, Malone, Purcell, Rand, Snow and Tillman:

S.B. 36, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' ADULT PROTECTIVE SERVICES TASK FORCE TO COLLABORATE WITH OTHERS INTERESTED IN IMPROVING ADULT PROTECTIVE SERVICES AND REPORT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Swindell, Allran, Dannelly; Albertson, Apodaca, Bingham, Boseman, Garwood, Hoyle, Jenkins, Lucas, Malone, Purcell, Rand, Snow, Stevens, Thomas and Tillman:

S.B. 37, A BILL TO BE ENTITLED AN ACT TO REENACT 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; Albertson, Bingham, Boseman, Garwood, Hoyle, Jenkins, Lucas, Malone, Purcell, Rand, Snow and Tillman:

S.B. 38, 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, Dannelly, Allran; Albertson, Apodaca, Berger of Franklin, Bingham, Boseman, Dalton, Garwood, Hoyle, Jenkins, Lucas, Malone, Purcell, Rand, Snow, Stevens, Thomas and Tillman:

S.B. 39, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR NORTH CAROLINA SENIOR GAMES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Swindell, Dannelly, Allran; Albertson, Apodaca, Berger of Franklin, Bingham, Boseman, Dalton, Garwood, Hoyle, Jenkins, Lucas, Malone, Purcell, Rand, Snow, Stevens and Tillman:

S.B. 40, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPOSE A

CIVIL PENALTY ON ANY ADULT CARE HOME LICENSURE APPLICANT WHO FALSIFIES OR OMITTS MATERIAL INFORMATION ON THE APPLICATION, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Swindell, Dannelly, Allran; Albertson, Berger of Franklin, Boseman, Cowell, Dalton, Purcell, Rand, Thomas and Tillman:

S.B. 41, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORDS CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Judiciary I Committee**.

By Senators Swindell, Dannelly, Allran; Boseman, Dalton, Purcell, Rand, Thomas and Tillman:

S.B. 42, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE HOME CARE AGENCY LICENSURE ACT, TO ESTABLISH HOME CARE CLIENTS' RIGHTS, AND TO APPROPRIATE FUNDS TO INCREASE THE SURVEY CYCLE FOR LICENSED IN-HOME AGENCIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee** and upon a favorable report, referred to the **Appropriations/Base Budget Committee**.

By Senator Goodall:

S.B. 43, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE.

Referred to the **State & Local Government Committee**.

By Senators Pittenger; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Horton, Hunt, Jacumin, Presnell, Shaw, Smith, Tillman, Webster and Weinstein:

S.B. 44, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF DAMAGES THAT MAY BE AWARDED IN CIVIL ACTIONS AGAINST HEALTH CARE PROVIDERS FOR HEALTH CARE LIABILITY CLAIMS, TO OTHERWISE REFORM HEALTH CARE LIABILITY, AND TO MAKE CONFORMING CHANGES.

Referred to the **Commerce Committee**.

By Senators Dorsett; Albertson, Dannelly, Graham, Holloman, Jenkins, Kinnaird, Lucas, Malone and Purcell:

S.B. 45, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND

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DISABLED PERSONS AND TO APPROPRIATE FUNDS FOR THE SERVICE.

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

By Senator Brock:

S.B. 46, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROWAN.

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

By Senators Bingham; Allran and Hartsell:

S.B. 47, A BILL TO BE ENTITLED AN ACT TO ADOPT THE LEXINGTON BARBECUE FESTIVAL AS THE OFFICIAL BARBECUE FESTIVAL OF NORTH CAROLINA.

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

By Senator Brock:

S.B. 48, 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 Brock:

S.B. 49, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DAVIE.

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

By Senator Brock:

S.B. 50, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DAVIE.

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

By Senator Bingham:

S.B. 51, 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 Bingham:

S.B. 52, 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 Bingham:

S.B. 53, A BILL TO BE ENTITLED AN ACT RELATING TO THE 33RD SENATORIAL DISTRICT.

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

February 3, 2005

By Senators Malone, Stevens, Cowell and Hunt:

S.B. 54, 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**.

By Senators Dalton; Albertson, Apodaca, Berger of Franklin, Berger of Rockingham, Bingham, Boseman, Garrou, Garwood, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Lucas, Malone, Nesbitt, Purcell, Rand, Snow, Soles, Stevens, Swindell, Thomas and Weinstein:

S.B. 55, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED FOR ECONOMIC INFRASTRUCTURE.

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

By Senator Albertson:

S.B. 56, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ELECTED MEMBERS OF THE COUNCIL OF STATE ARE THE GOVERNOR, LIEUTENANT GOVERNOR, AUDITOR, TREASURER, AND ATTORNEY GENERAL.

Referred to the **Ways & Means Committee**.

By Senators Goodall; Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, East, Forrester, Garwood, Graham, Hartsell, Holloman, Horton, Hunt, Jacumin, Malone, Pittenger, Presnell, Purcell, Shaw, Smith, Snow, Soles, Stevens, Tillman and Webster:

S.R. 57, A SENATE RESOLUTION HONORING THE COURAGEOUS ACTIONS OF THE IRAQI CITIZENS WHO VOTED IN THEIR COUNTRY'S FIRST FREE ELECTION IN FIFTY YEARS AND HONORING THE COMMITMENT, BRAVERY, AND SACRIFICE OF THE UNITED STATES AND COALITION FORCES IN IRAQ.

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
February 3, 2005

Madame President:

It is ordered that a message be sent to the Senate informing your Honorable Body that the House of Representatives has been notified of the election of the following party officers:

February 3, 2005

Democratic Whips: Larry M. Bell
Hugh Holliman
Marian N. McLawhorn

Democratic Freshman Chair: Linda Coleman

Respectfully,
S/Denise G. Weeks
Principal Clerk

ADDITIONAL SPONSORS

Senator Smith and Senator Brown request to be added as sponsors of previously introduced legislation:

S.B. 31, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns at 10:20 A.M. to meet Monday, February 7, at 5:00 P.M.

SEVENTH DAY

Senate Chamber
Monday, February 7, 2005

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:

"Lord, this week in the Senate, take us where You want us to go. Let us meet the people You want us to meet. Even guide us in what we are to say.

"And don't let us get in the way of what we've just prayed for.

"Tonight, we also remember Senator Basnight, having learned of the death of his brother. We pray that You would be especially close to their family. In your Holy Name we pray, Amen."

February 7, 2005

The Chair grants leaves of absence for tonight to Senator Allran, Senator Basnight, Senator Bingham, Senator Forrester, and Senator Jenkins.

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

The President of the Senate extends privileges of the floor to Dr. Timothy P. Bukowski from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Baer from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

RECOGNITION OF PARTY OFFICERS

The President directs the Reading Clerk to read as follows:

Senate Republican Leader Phil Berger

North Carolina Senate
North Carolina General Assembly
1121 Legislative Building
Raleigh, North Carolina 27601
(919) 733-5708

January 26, 2005

Hon. Janet Pruitt
Senate Principal Clerk
2020 Legislative Building
Raleigh, NC 27601

Dear Janet:

At your request, please note that the North Carolina Senate Republican Caucus has completed its formal organization for the 2005 Session of the General Assembly and has duly selected the following of its members to serve as its officers:

Senator Phil Berger	Minority Leader
Senator Tom Apodaca	Deputy Republican Leader
Senator Robert Pittenger	Assistant Republican Leader
Senator Jerry W. Tillman	Republican Whip
Senator Andrew C. Brock	Deputy Republican Whip

In addition, Senator Hamilton C. Horton, Jr. has been elected chairman of the Republican Policy Committee and, it being the Senate Republicans' turn by

February 7, 2005

rotation with their colleagues in the House, Senator Jim Forrester has been elected chairman of the Joint Republican Caucus.

Respectfully,
S/Phil Berger
Minority Leader
North Carolina Senate

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 72, Termination of Executive Orders 45 and 71.

SENATE PAGES

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

John William Benning, Louisburg; Virginia Boyce, Belmont; Jessie Case, Belmont; Elizabeth Marie Cottrell, Raleigh; Charles Hohns, Holly Springs; George A. Lampron, Denver; Britany Tianna Lynn, Apex; Lindsay Maidment, Laurinburg; Michael Todd, Holly Springs; Gabrielle Triplett, Hickory; Charles Logan Vester, Spring Hope; and Robert Dartz Wright, Henderson.

Upon motion of Senator Dannelly, seconded by Senator Boseman, the Senate adjourns subject to introduction of bills and resolutions, to meet tomorrow, February 8, at 2:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Tillman:

S.B. 58, A BILL TO BE ENTITLED AN ACT RELATING TO THE 29TH SENATORIAL DISTRICT.

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

By Senator Tillman:

S.B. 59, A BILL TO BE ENTITLED AN ACT RELATING TO THE 29TH SENATORIAL DISTRICT.

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

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By Senator Tillman:

S.B. 60, A BILL TO BE ENTITLED AN ACT RELATING TO THE 29TH SENATORIAL DISTRICT.

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

By Senators Thomas; Apodaca, Bingham, Garwood, Jenkins, Presnell, Smith, Swindell, Tillman and Weinstein:

S.B. 61, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY INCREASING THE PUNISHMENT FOR FELONY DEATH BY VEHICLE AND CREATING THE OFFENSE OF FELONY SERIOUS INJURY BY VEHICLE.

Referred to the **Judiciary II Committee**.

By Senator Purcell:

S.B. 62, 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. 63, 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. 64, 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. 65, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT.

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

By Senators Dorsett, Hagan and Bingham:

S.B. 66, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR TRANSPORTATION AND MARKETING COSTS ASSOCIATED WITH THE HIGH POINT INTERNATIONAL HOME FURNISHINGS MARKET.

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

By Senators Jenkins; Dannelly, Dorsett, Graham, Holloman, Lucas and Malone:

S.R. 67, A SENATE RESOLUTION HONORING GEORGE HENRY WHITE, FORMER MEMBER OF THE GENERAL ASSEMBLY AND THE UNITED STATES HOUSE OF REPRESENTATIVES.

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

By Senator Kerr:

S.B. 68, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW AND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE THAT MAGISTRATES SHALL BE APPOINTED AND REAPPOINTED BY THE

February 7, 2005

CHIEF DISTRICT COURT JUDGE FOR THE DISTRICT THAT INCLUDES THE COUNTY SERVED BY THE MAGISTRATES.

Referred to the **Judiciary II Committee**.

By Senator Bingham:

S.B. 69, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MIDWAY.

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

By Senators Dorsett; Albertson, Holloman, Jenkins, Malone and Purcell:

S.B. 70, A BILL TO BE ENTITLED AN ACT REQUIRING THE GOVERNOR TO DESIGNATE A STATE ECONOMIC CRISIS RELIEF OFFICER WHEN ECONOMIC CRISIS STRIKES THE STATE.

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

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 5:26 P.M.

EIGHTH DAY

Senate Chamber
Tuesday, February 8, 2005

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

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

"Dear Lord, we often arrive at the end of our days feeling as if all we've done is give explanations for our actions.

"We pray that you would help us to live more proactively. You have graced us so much. You have given us so much. So let us live our lives with affirmation and exclamation for what You have done rather than explanation.

"We pray that You would take charge of our attitude so that we won't let others do so.

"And complete the good work that You have begun in each of us. Amen."

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

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

February 8, 2005

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Scott D. Wagner from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Kristin Houser from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWAL FROM COMMITTEE

S.R. 67, A SENATE RESOLUTION HONORING GEORGE HENRY WHITE, FORMER MEMBER OF THE GENERAL ASSEMBLY AND THE UNITED STATES HOUSE OF REPRESENTATIVES, referred to the **Rules and Operations of the Senate Committee** on Monday, February 7.

Pursuant to Rule 47 (a), Senator Rand offers a motion that the resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

CALENDAR

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

S.R. 67, A SENATE RESOLUTION HONORING GEORGE HENRY WHITE, FORMER MEMBER OF THE GENERAL ASSEMBLY AND THE UNITED STATES HOUSE OF REPRESENTATIVES, for adoption, placed earlier on today's Calendar.

Upon motion of Senator Jenkins, the resolution is read in its entirety. The resolution is adopted (48-0).

Upon motion of Senator Jenkins, the President Pro Tempore extends the courtesies of the gallery to Lorenzo Carmen, Edgecombe County Manager; Charlie Harrell, Chairman of the Edgecombe County Commissioners; and Rudolph Knight, President of the Phoenix Historical Society.

COMMITTEE APPOINTMENTS

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

Senator Berger of Franklin is appointed to the **Opportunities and Needs for Economic Growth in North Carolina Committee**.

Senator Atwater is appointed to the **Finance Committee** and the **Pensions & Retirement and Aging Committee**.

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

Senator Lucas is appointed to the **Agriculture/Environment/Natural Resources Committee**.

Senator Brown is appointed to the **Agriculture/Environment/Natural Resources Committee**.

February 8, 2005

ADDITIONAL SPONSORS

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

S.B. 8, 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.

S.B. 61, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY INCREASING THE PUNISHMENT FOR FELONY DEATH BY VEHICLE AND CREATING THE OFFENSE OF FELONY SERIOUS INJURY BY VEHICLE.

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

S.B. 66, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR TRANSPORTATION AND MARKETING COSTS ASSOCIATED WITH THE HIGH POINT INTERNATIONAL HOME FURNISHINGS MARKET.

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

S.R. 67, A SENATE RESOLUTION HONORING GEORGE HENRY WHITE, FORMER MEMBER OF THE GENERAL ASSEMBLY AND THE UNITED STATES HOUSE OF REPRESENTATIVES.

Upon motion of Senator Dannelly, seconded by Senator Holloman, the Senate adjourns subject to introduction of bills, to meet tomorrow, February 9, at 2:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Rand:

S.J.R. 71, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

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

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By Senators Hagan; and Dorsett:

S.B. 72, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO EXPAND COUNTY BOARD OF HEALTH MEMBERSHIP TO INCLUDE A RESTAURANT OWNER.

Referred to the **Health Care Committee**.

By Senators Hagan; Albertson, Atwater, Boseman, Dorsett, Hartsell, Swindell and Thomas:

S.B. 73, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NORTH CAROLINA WILDLIFE HABITAT FOUNDATION SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 2:33 P.M.

NINTH DAY

Senate Chamber
Wednesday, February 9, 2005

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

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

"Dear God, if we read Holy Scripture carefully, it is evident that the heroes of our faith practiced politics - whether in choosing leadership or governing their small faith communities.

"From the very outset of this session we acknowledge that the men and women who walk through these doors each day do so into the world of politics. They are politicians.

"Those who are successful and bring honor to their calling understand, like our faith heroes, that everything is politics, but politics isn't everything. Amen."

The Chair grants leaves of absence for today to Senator Basnight and Senator Hoyle.

Senator Rand announces that the Journal of yesterday, Tuesday, February 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 Deputy President Pro Tempore of the Senate extends privileges of the floor to Dr. Walter J. Pories from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Tina Tootle from Camp Lejeune, North Carolina, who is serving the Senate as Nurse of the Day.

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INTRODUCTION OF BILLS AND RESOLUTIONS

Joint resolutions filed on February 8 for introduction are presented to the Senate and read the first time.

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

By Senator Snow:

S.J.R. 81, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF FRANKLIN ON THE TOWN'S 150TH ANNIVERSARY.

By Senators Hagan; Clodfelter, Dorsett and Garrou:

S.J.R. 84, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUBERT B. HUMPHREY, FORMER MEMBER OF THE GENERAL ASSEMBLY.

CALENDAR

Joint resolutions placed earlier on today's Calendar are taken up and disposed of, as follows:

S.J.R. 81, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF FRANKLIN ON THE TOWN'S 150TH ANNIVERSARY.

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

Senator Snow:

"I appreciate the opportunity to speak on the Senate floor. This is a resolution honoring the 150th Anniversary of the founding of the Town of Franklin. The Town of Franklin is the home of Senator Carpenter who held this seat before me. It is a very progressive town in Macon County, North Carolina which is one of the fastest growing communities in our State. It is an honor for me to present this resolution and I hope you will vote for this resolution honoring the town."

The joint resolution passes its second reading (48-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

S.J.R. 84, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUBERT B. HUMPHREY, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

Senator Hagan:

"Thank you, Mr. President. I am honored to be here today to discuss this

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resolution with you about the life and memory of Hubert Humphrey. He was in the House, elected to the House in 1958 for the 1959 Session and then was in this Body for the 1961 Session. The first time I got to know Hugh Humphrey was when I worked for one of the large banking institutions in North Carolina. I was in the trust department and he and I were working on a situation and he said that one of the first loans he ever got was from that institution, and because of that, it was given to him at a time when they shouldn't have, but he was very loyal to that institution. When I think back about that, I look at the loyalty that he gave to his universities and the college that he attended. He attended Mars Hill College and then Wake Forest and then The University of North Carolina at Chapel Hill Law School. He was very loyal to those institutions. As you heard on the resolution, he was very involved in Wake Forest. He also received the Distinguished Alumni Award from The University of North Carolina Law School at Chapel Hill. He was a partner in the Brooks, Pierce, McClendon, Humphrey, and Leonard Law Firm in Greensboro and had just an excellent reputation as being one of the top lawyers in our State. One of the most distinguished awards that I know of, personally, was the one that the Z. Smith Reynolds Foundation dedicated in his memory, and that is to fund opportunities for teachers, administrators, and staff at a local high school in Guilford County, and I can't think of anything more of honor than to have something like that done in your memory. It is with great respect that I request your support in this resolution today honoring the life and memory of one of our former members, Hubert B. Humphrey. Thank you."

Senator Garrou:

"Ladies and gentlemen of the Senate, for many years I only knew Hugh Humphrey by reputation. I knew he was a brilliant, charming, urbane man who loved his family, loved life, and loved telling a good story, often stories that would include himself as sort of the butt of the story. Only after my daughter and his daughters became devoted friends did I really have an opportunity to get to know him and know him well. On one of the trips that he took his family, on a trip to Switzerland, they were heading in the last day of afternoon of skiing. Hugh persuaded his wife and his children to stop at this beautiful little chapel that he saw as they were skiing down the mountains, and I can hear it now. I can hear Lyle and Jackie and Hillary saying, 'Oh, Daddy, don't make us go do this.' But he said, 'You know, what better way to end this day than this beautiful chapel out here in Switzerland in this beautiful place that God has made.' So, as any of you who are skiers know, it's quite a challenge to take off your skis and enter a house of worship without making too much noise. So it's my understanding that they tromped down to the front of the chapel where the only seats were left. They slipped over and had to crawl over people and then they took off their hats and their goggles and their gloves and they settled down and they looked around and they looked up at the front of the chapel and there was a flower-draped coffin. They realized at that point that they had come for a funeral service, at which point they gathered their things and, I don't know if I'm getting this story exactly right but I think this is the gist of it, and tromped out of the chapel before they lost total composure, as you could imagine, as they skied on back and went back for the end of the day. He loved life. He loved the State of North Carolina. He loved the opportunity to serve and we are very

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blessed to have him. Jackie and Lyle and Patrick, we appreciate your being here today and know that we join you in rejoicing in the life of your father and your husband. Mr. President, could I say at the end of this that we'd like to have all these resolutions sent to the House by special messenger."

Senator Horton:

"Mr. President, members of the Senate, I never really had the pleasure of trying a case with Hugh. He was a little ahead of me, not only in legal knowledge, but seniority. But he was always such a good friend. That's how I knew him, a person of broad interests, encyclopedic knowledge of virtually everything, a great wit - in short, a boon companion. Somehow he always managed to stand for what was right and, yet, never seemed to force it on anybody. That's the way he was. He and Jackie made a great pair and I can only say he died much too young. We miss him."

Senator Clodfelter:

"Members of the Senate, Jackie, it was my very great good fortune, one of the luckier things in my life, to have served with Hugh Humphrey for some twenty years on the Board of Trustees for the Z. Smith Reynolds Foundation. Before I ever met him, though, as a young lawyer I knew him by reputation. I knew him as one of the finest lawyers then in practice or, I think we will say, ever in practice in the State of North Carolina. I assure you my opinion of him and that reputation never changed in all the years that we became colleagues and friends. It didn't matter how many years went by, but I continued, even as I aged and became more experienced in my profession and things that I was doing in the world, I continued to always look up to Hugh as a mentor and as a model. He was that most important model for young lawyers in a high-pressure career in a high-power world. He was not only a model for us in our careers, but he was a model in the far more important business of integrating those careers with the things that make life really valuable - our families, our communities, our principles. Hugh Humphrey lived a life that was whole and complete. It was not broken. He was deliberate and thoughtful. I never saw him swayed by the passion of a moment on any subject. His judgment was always the very soundest, and his values were constant. His belief in the possibilities of bettering the life of people in North Carolina never wavered. He cared deeply about our State and he communicated that to others in a way that was infectious. When he spoke about the things that he cared about, whether that was his home community of Greensboro or about public education or very often, indeed, about Wake Forest University, the depth of his conviction and his sincerity was made all the more powerful by the calmness with which he spoke. He was my teacher. He was my guide and he was a great friend. He remains that for all of us who will remember him and who will continue to take from him inspiration that we can be all that is the best, the most humane, and the most civilized that is within us. We will miss him very much."

The joint resolution passes its second reading (48-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

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Upon motion of Senator Hagan, the Deputy President Pro Tempore extends the courtesies of the gallery to Jackie Humphrey, wife of Hubert Humphrey; Lyle Humphrey Johnson, his daughter; her husband, Patrick Johnson; and Walker Armfield, family friend.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Rand announces the appointment of Senator Atwater as Vice Chairman of the **Agriculture/Environment/Natural Resources Committee**.

Upon motion of Senator Rand, seconded by Senator Shaw, the Senate adjourns subject to ratification of bills and introduction of bills, to meet tomorrow, Thursday, February 10, at 9:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Dannelly:

S.B. 74, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG.

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

By Senator Dannelly:

S.B. 75, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE.

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

By Senator Dannelly:

S.B. 76, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG.

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

By Senator Dannelly:

S.B. 77, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG.

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

By Senator Dannelly:

S.B. 78, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE.

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

By Senator Dannelly:

S.B. 79, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE.

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

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By Senator Garwood:

S.B. 80, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

By Senators Clodfelter; Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Lucas and Rand:

S.B. 82, A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE.

Referred to the **Judiciary I Committee**.

By Senators Dannelly, Nesbitt, Allran, Lucas, Purcell; Dorsett and Malone:

S.B. 83, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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

By Senator Soles:

S.B. 85, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BRUNSWICK.

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

By Senator Soles:

S.B. 86, 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 Soles:

S.B. 87, 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. 88, 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. 89, 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. 90, 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 Garwood:

S.B. 91, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WILKES.

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

By Senator Garwood:

S.B. 92, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WATAUGA.

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

By Senator Garwood:

S.B. 93, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ALEXANDER.

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

By Senator Garwood:

S.B. 94, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ASHE.

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

By Senator Dorsett:

S.B. 95, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

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

By Senator Dorsett:

S.B. 96, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

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

By Senator Dorsett:

S.B. 97, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

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

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ENROLLED BILLS AND RESOLUTIONS

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

S.J.R. 81, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF FRANKLIN ON THE TOWN'S 150TH ANNIVERSARY. (Res. 2)

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 3:07 P.M.

TENTH DAY

Senate Chamber
Thursday, February 10, 2005

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

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

"Dear Lord, Senator Albertson's announcement yesterday regarding the value of the sweet potato to North Carolina's corporate economy and to our personal taste buds brought some well-deserved smiles.

"We wanted You to know from the floor of the Senate that we are grateful for the farmers of our State. They are people of the soil who have chosen to grow crops as a way of life.

"Their business partnership with You and their understanding of Your good creation exceeds what most of the rest of us know because it is so personal.

"So from sweet potatoes to Christmas trees, bless our farmers in their hard work. Amen."

The Chair grants leaves of absence for today to Senator Albertson, Senator Apodaca, Senator Basnight, Senator Blake, Senator Dalton, Senator Forrester, Senator Garwood, Senator Goodall, Senator Graham, Senator Hartsell, Senator Holloman, Senator Hoyle, Senator Jacumin, Senator Lucas and Senator Webster.

Senator Rand announces that the Journal of yesterday, Wednesday, February 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 Deputy President Pro Tempore extends privileges of the floor to Dr. Kathleen J. Clem from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Angela Allen from Tar Heel, North Carolina, who is serving the Senate as Nurse of the Day.

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ENROLLED BILLS AND RESOLUTIONS

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. 84, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUBERT B. HUMPHREY, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 3)

ADDITIONAL SPONSOR

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

S.B. 61, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY INCREASING THE PUNISHMENT FOR FELONY DEATH BY VEHICLE AND CREATING THE OFFENSE OF FELONY SERIOUS INJURY BY VEHICLE.

Upon motion of Senator Rand, seconded by Senator Snow, the Senate adjourns subject to introduction of bills, to meet Monday, February 14, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Kinnaird:

S.B. 98, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE THROUGH ELECTION DAY AS THE VOTING METHOD, TO BE KNOWN AS "SUPER PRECINCTS" OR "VOTE CENTERS".

Referred to the **State & Local Government Committee**.

By Senator Kinnaird:

S.B. 99, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Kinnaird:

S.B. 100, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Albertson:

S.B. 101, 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 Senators Brock; Goodall and Pittenger:

S.B. 102, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE OPERATION OF A MOTOR VEHICLE BY DRIVERS UNDER EIGHTEEN YEARS OF AGE WHILE USING A MOBILE TELEPHONE.

Referred to the **Judiciary II Committee**.

By Senators Brock; and Allran:

S.B. 103, A BILL TO BE ENTITLED AN ACT TO REVERT LAPSED SALARIES TO THE GENERAL FUND FOR THE RAINY DAY FUND AND TO ENCOURAGE ACCURACY IN BUDGETING BY CORRECTLY FUNDING SALARIES AND SALARY-RELATED EXPENDITURES FOR STATE EMPLOYEES AND TEACHERS.

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

By Senator Brock:

S.B. 104, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON COMMITS THE OFFENSE OF IMPAIRED DRIVING WHEN OPERATING A MOTOR VEHICLE WHILE TRANSPORTING A PERSON SEVENTEEN YEARS OF AGE OR UNDER WITH ANY ALCOHOL IN HIS BLOOD.

Referred to the **Judiciary II Committee**.

By Senators Brock; Allran and Pittenger:

S.B. 105, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A FIVE-YEAR PERIOD.

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

By Senators Brock; Allran, Goodall and Pittenger:

S.B. 106, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COVERAGE FOR ABORTIONS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

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

By Senator Allran:

S.B. 107, 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 Allran:

S.B. 108, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CATAWBA.

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

By Senators Thomas; Apodaca, Bingham, Brock, Forrester, Garwood, Goodall, Hartsell, Kerr, Presnell and Swindell:

S.B. 109, A BILL TO BE ENTITLED AN ACT TO GRANT TO DEPLOYED MILITARY PERSONNEL AN EXTENSION OF TIME WITHIN WHICH TO RENEW A CONCEALED HANDGUN PERMIT.

Referred to the **Judiciary II Committee**.

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By Senator Smith:

S.B. 110, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

By Senator Smith:

S.B. 111, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

By Senator Smith:

S.B. 112, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 9:18 A.M.

ELEVENTH DAY

Senate Chamber
Monday, February 14, 2005

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

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

"Dear Lord, today, unless we forgot, most of us gave and received Valentine greeting cards as a way of expressing love and appreciation for special people in our lives.

"In the Book of Hebrews we find these words from You:

"This is the covenant I will make. I will put my laws in Your hearts, and I will write them in Your minds. I will remember Your sins no more because when You ask there is forgiveness!"

"No greeting card writer can touch us as deeply with words as this promise from You, reminding us of Your great grace and unconditional love for all of us. With deep gratitude we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Allran, Senator Berger of Rockingham, Senator Hartsell, Senator Holloman and Senator Purcell.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, February 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The President Pro Tempore of the Senate extends privileges of the floor to Dr. Cynthia Hampton from Henderson, North Carolina, who is serving the Senate as Doctor of the Day, and to Faye Duffin from Spring Hope, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Clodfelter:

S.B. 130, A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK.

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

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 19, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES DONALD "DON" GOINS, FORMER CHIEF ENGINEER OF OPERATIONS OF THE DIVISION OF HIGHWAYS.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on tonight's Calendar.

H.J.R. 47, A JOINT RESOLUTION HONORING THE FOUNDERS OF CREEDMOOR ON THE TOWN'S 100TH ANNIVERSARY.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on tonight's Calendar.

CALENDAR

H.J.R. 19, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES DONALD "DON" GOINS, FORMER CHIEF ENGINEER OF OPERATIONS OF THE DIVISION OF HIGHWAYS, placed earlier on tonight's Calendar.

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

The joint resolution passes its second reading (43-0) and third reading with members standing, and is ordered enrolled.

Upon motion of Senator Jenkins, the Chair extends the courtesies of the gallery to Rachel Goins, wife of Don Goins; Tiffany Goins, daughter; and several friends.

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H.J.R. 47, A JOINT RESOLUTION HONORING THE FOUNDERS OF CREEDMOOR ON THE TOWN'S 100TH ANNIVERSARY.

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

The joint resolution passes its second reading (43-0) and third reading with members standing, and is ordered enrolled.

Upon motion of Senator Berger of Franklin, the Chair extends the courtesies of the gallery to The Honorable Darryl Moss, Mayor of Creedmoor, and Mrs. Mildred Goss, Chairperson of the Centennial Committee from the town of Creedmoor.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Berger of Franklin as Vice Chairman of the **Opportunities and Needs for Economic Growth in North Carolina Committee**.

Upon motion of Senator Dannelly, seconded by Senator Berger of Franklin, the Senate adjourns subject to introduction of bills, to meet tomorrow, Tuesday, February 15, at 2:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Rand; Snow, Dalton and Swindell:

S.B. 113, 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 Purcell; Albertson, Allran, Atwater, Bingham, Boseman, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hartsell, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Rand, Snow and Swindell:

S.B. 114, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR OSTEOPOROSIS EDUCATION AND AWARENESS ACTIVITIES, AS RECOMMENDED BY THE OSTEOPOROSIS EDUCATION TASK FORCE.

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

By Senators Purcell; Albertson, Allran, Atwater, Bingham, Boseman, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hartsell, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Rand, Snow, Swindell and Thomas:

S.B. 115, 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**.

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By Senator Purcell:

S.B. 116, A BILL TO BE ENTITLED AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS PLANT OF THE STATE OF NORTH CAROLINA.

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

By Senators Purcell, Dannelly, Hartsell; Albertson, Allran, Atwater, Berger of Franklin, Bingham, Boseman, Brown, Dalton, Dorsett, Forrester, Garwood, Graham, Jenkins, Kerr, Kinnaird, Lucas, Malone, Rand, Snow, Swindell, Thomas, Tillman and Weinstein:

S.B. 117, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A SIX-YEAR PERIOD, TO PROVIDE THAT THE TOTAL COUNTY SHARE DURING THE PHASE-OUT PERIOD SHALL NOT EXCEED THE COUNTY SHARE PAID BY EACH COUNTY FOR THE 2004-2005 FISCAL YEAR, AND TO FURTHER PROVIDE THAT IN CERTAIN COUNTIES THE COUNTY SHARE SHALL BE FURTHER REDUCED BASED ON THE NUMBER OF MEDICAID-ELIGIBLE INDIVIDUALS IN THE COUNTY, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM.

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

By Senators Purcell, Dannelly, Hartsell; Albertson, Allran, Atwater, Bingham, Boseman, Dorsett, Forrester, Garwood, Graham, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Rand, Snow, Soles and Swindell:

S.B. 118, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO DEVELOP A CASE MANAGEMENT PROGRAM FOR RECIPIENTS HAVING A LARGE NUMBER OF PRESCRIPTIONS, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM.

Referred to the **Health Care Committee**.

By Senators Purcell, Dannelly, Hartsell; Albertson, Allran, Atwater, Bingham, Boseman, Dorsett, Forrester, Garwood, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Rand, Snow, Soles and Swindell:

S.B. 119, A BILL TO BE ENTITLED AN ACT TO EXPAND MEDICAID ELIGIBILITY TO INDIVIDUALS WHO QUALIFY UNDER THE FEDERAL TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM.

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

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By Senators Purcell, Dannelly, Hartsell; Albertson, Allran, Atwater, Bingham, Boseman, Dorsett, Forrester, Garwood, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Rand, Snow, Soles and Swindell:

S.B. 120, A BILL TO BE ENTITLED AN ACT TO EXPAND MEDICAID COVERAGE TO CHILDREN AGE BIRTH THROUGH FIVE YEARS WITH FAMILY INCOMES EQUAL TO OR LESS THAN TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL, AND TO USE NC HEALTH CHOICE STATE AND FEDERAL FUNDS TO FUND THE EXPANSION, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM.

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

By Senators Purcell, Dannelly, Hartsell; Albertson, Allran, Atwater, Bingham, Boseman, Dorsett, Forrester, Garwood, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Soles and Swindell:

S.B. 121, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE STATEWIDE EXPANSION OF THE COMMUNITY CARE OF NORTH CAROLINA PROGRAM, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM.

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

By Senators Purcell, Dannelly, Hartsell; Albertson, Allran, Atwater, Bingham, Boseman, Dorsett, Forrester, Garwood, Jenkins, Kinnaird, Lucas, Malone, Rand, Snow, Soles, Swindell, Thomas and Weinstein:

S.B. 122, A BILL TO BE ENTITLED AN ACT TO REENACT THE PERSONAL INCOME TAX CREDIT FOR PREMIUMS PAID ON LONG-TERM CARE INSURANCE.

Referred to the **Finance Committee**.

By Senators Purcell, Dannelly, Hartsell; Albertson, Allran, Atwater, Bingham, Boseman, Dorsett, Forrester, Garwood, Holloman, Jenkins, Kerr, Lucas, Malone, Soles and Swindell:

S.B. 123, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE DENTAL RATES FOR MEDICAID-ELIGIBLE ADULTS, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM.

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

By Senators Purcell, Dannelly, Hartsell; Albertson, Allran, Atwater, Bingham, Boseman, Dorsett, Forrester, Garwood, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Soles and Swindell:

S.B. 124, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO DEVELOP A METHODOLOGY FOR REINVESTING IN THE COMMUNITY SAVINGS REALIZED FROM THE COMMUNITY CARE OF NORTH CAROLINA PROGRAM, AS

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RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM.

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

By Senators Garrou; Atwater, Boseman, Clodfelter and Purcell:

S.B. 125, 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.

Referred to the **Judiciary I Committee**.

By Senators Brown; Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Boseman, Brock, Horton, Hunt, Presnell, Rand, Snow, Stevens, Tillman and Weinstein:

S.B. 126, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A MARINE CORPS LEAGUE SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 7:44 P.M.

TWELFTH DAY

Senate Chamber
Tuesday, February 15, 2005

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, I remember the wise words of a mentor who told me, 'It's what you learn after you know it all that counts!'

"So as much as we know, help us to be open to new experiences of learning this week, O God. To Your glory we pray, Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, February 14, has been examined and is found to be correct.

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Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Angela Cobb from Garner, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Dalton:

S.B. 127, 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. 128, 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 Weinstein:

S.B. 129, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE WORKFORCE DEVELOPMENT CENTER ON THE CAMPUS OF THE ROBESON COMMUNITY COLLEGE.

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

By Senator Swindell:

S.B. 131, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WILSON.

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

By Senator Swindell:

S.B. 132, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NASH.

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

By Senators Clodfelter; Albertson, Dannelly, Dorsett, Garrou, Graham, Hagan, Lucas, Malone, Nesbitt and Rand:

S.B. 133, A BILL TO BE ENTITLED AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL VOTING IN 2004; AND TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING.

Referred to the **Judiciary I Committee**.

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WITHDRAWAL FROM COMMITTEE

S.R. 57, A SENATE RESOLUTION HONORING THE COURAGEOUS ACTIONS OF THE IRAQI CITIZENS WHO VOTED IN THEIR COUNTRY'S FIRST FREE ELECTION IN FIFTY YEARS AND HONORING THE COMMITMENT, BRAVERY, AND SACRIFICE OF THE UNITED STATES AND COALITION FORCES IN IRAQ, referred to the **Rules and Operations of the Senate Committee** on February 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it before the Senate for immediate consideration.

CALENDAR

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

S.R. 57, A SENATE RESOLUTION HONORING THE COURAGEOUS ACTIONS OF THE IRAQI CITIZENS WHO VOTED IN THEIR COUNTRY'S FIRST FREE ELECTION IN FIFTY YEARS AND HONORING THE COMMITMENT, BRAVERY, AND SACRIFICE OF THE UNITED STATES AND COALITION FORCES IN IRAQ, placed earlier on today's Calendar, for adoption.

Upon motion of Senator Berger of Rockingham, the remarks of the members are spread upon the journal, as follows:

Senator Goodall:

"Personal liberty is a powerful force in personal freedom. I think there is a natural desire for that. On January 30, eight million Iraqis voted in their country's first free election in fifty years. Men represented sixty percent of their eligible voters. I would like for this body to honor those voters today by adopting this resolution. In addition, American forces, men and women, and coalition forces have paid the ultimate sacrifices in Iraq and need to be recognized, also. One of them, Christopher Kenneth Hill, is from Charlotte, North Carolina. I spoke with his widow last week and asked her for permission to use his name in this resolution. She and her daughter, Sierra, are doing fine after her husband and Sierra's father died in Fallujah. I would ask that we recognize all these people that have made these sacrifices by passing Resolution 57. Thank you very much, Madame President."

Senator Smith:

"I also would like to honor the seeds of freedom that we see being planted in the Middle East, and how great it is to see eight million people risk their lives to vote and to see our brave soldiers paying the ultimate sacrifice. I had the great

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privilege, when I got out of law school, to serve in the U.S. Army for four years. At my duty station (I was in the JAG Corps as a Captain), my duty station at the University of Virginia at the Staff Judge Advocate School and at Pine Bluff Arsenal in Pine Bluff, Arkansas, was such that some of the general officers had to perform duties that, traditionally, they did not perform. So, as a young officer from 1966 to 1970 in the height of the Vietnam War, I was called upon to attend burial details and to give flags to the family of the deceased. I was also called upon to be a notification officer and to walk up to a house and to knock on the front door and to have a mother come to the front door and to tell that mother that her son would not be coming home. Those experiences have stuck with me all of my adult life, all of my adult life, and I can tell you that they have burned in my conscience and in my mind the true reality that freedom is not free. People throughout this country have paid the ultimate price so that we can stand on this Senate floor today and debate bills, so that our citizens can vote for us. We are so fortunate to live in this Country, and we take so many things for granted and I just want to stand today to honor the men and women who have paid the ultimate price in Iraq and the men and women who have paid the ultimate price in this great Country so that we can enjoy the freedom that we all so much cherish. Thank you."

Upon motion of Senator Goodall, the Senate Resolution is adopted (48-0)

ENROLLED BILLS AND RESOLUTIONS

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

H.J.R. 19, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES DONALD "DON" GOINS, FORMER CHIEF ENGINEER OF OPERATIONS OF THE DIVISION OF HIGHWAYS. (Res. 4)

H.J.R. 47, A JOINT RESOLUTION HONORING THE FOUNDERS OF CREEDMOOR ON THE TOWN'S 100TH ANNIVERSARY. (Res. 5)

SENATE PAGES

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

Katheryn Charlton, Linville Falls; Mary Martin Current, Gastonia; Shar-Narne' LeFleur Flowers, Louisburg; Ashley Nicole Fox, Marion; Sarah Marie Hatcher, Wallace; William Douglas Lewis III, Faison; Charles W. Merritt, Gastonia; Jody Nelson Owens, Spruce Pine; Laney R. Schenk, Gastonia; G. Scott Schenk, Jr., Gastonia and Natalie Sprague, Raleigh.

ADDITIONAL SPONSORS

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

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S.R. 57, A SENATE RESOLUTION HONORING THE COURAGEOUS ACTIONS OF THE IRAQI CITIZENS WHO VOTED IN THEIR COUNTRY'S FIRST FREE ELECTION IN FIFTY YEARS AND HONORING THE COMMITMENT, BRAVERY, AND SACRIFICE OF THE UNITED STATES AND COALITION FORCES IN IRAQ.

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

S.B. 117, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A SIX-YEAR PERIOD, TO PROVIDE THAT THE TOTAL COUNTY SHARE DURING THE PHASE-OUT PERIOD SHALL NOT EXCEED THE COUNTY SHARE PAID BY EACH COUNTY FOR THE 2004-2005 FISCAL YEAR, AND TO FURTHER PROVIDE THAT IN CERTAIN COUNTIES THE COUNTY SHARE SHALL BE FURTHER REDUCED BASED ON THE NUMBER OF MEDICAID-ELIGIBLE INDIVIDUALS IN THE COUNTY, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM.

REMOVAL OF BILL CO-SPONSOR

Senator Allran requests that he be removed as a sponsor of previously introduced legislation:

S.B. 120, A BILL TO BE ENTITLED AN ACT TO EXPAND MEDICAID COVERAGE TO CHILDREN AGE BIRTH THROUGH FIVE YEARS WITH FAMILY INCOMES EQUAL TO OR LESS THAN TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL, AND TO USE NC HEALTH CHOICE STATE AND FEDERAL FUNDS TO FUND THE EXPANSION, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns subject to introduction of bills and receipt of committee reports, to meet tomorrow, Wednesday, February 16, at 2:00 P.M.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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

S.B. 82, A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, 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 65055, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:01 P.M.

THIRTEENTH DAY

Senate Chamber
Wednesday, February 16, 2005

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:

"O God, we know that prayer is a conversation. We must speak but we also must listen.

"We observe a time of silence during today's prayer to allow for both."

(Moment of silence)

"Thank you for hearing our prayers. Sometimes there are things we cannot be told until we are quiet enough to hear You. Amen."

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

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

WITHDRAWAL FROM COMMITTEE

S.J.R. 71, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, referred to the **Rules and Operations of the Senate Committee** on February 8.

Pursuant to Rule 47 (a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate**

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Committee and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

CALENDAR

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

S.J.R. 71, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, placed earlier on today's Calendar.

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 Dalton for the **Appropriations/Base Budget Committee**:

S.B. 7, A BILL TO BE ENTITLED AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE

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REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, AND ESTABLISHING REPORTING REQUIREMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35030, which changes the title to read **S.B. 7** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, APPROPRIATING FUNDS TO RESTORE AND REPAIR CERTAIN PUBLIC BUILDINGS IN HYDE COUNTY DAMAGED BY HURRICANE ISABEL AND ESTABLISHING REPORTING REQUIREMENTS, is adopted and engrossed.

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

CALENDAR *(continued)*

S.B. 82 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE.

Upon motion of Senator Clodfelter, the President orders, without objection, the Committee Substitute bill temporarily displaced.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable Joe Sam Queen, former Senator from Haywood County.

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CALENDAR *(continued)*

S.B. 7 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, APPROPRIATING FUNDS TO RESTORE AND REPAIR CERTAIN PUBLIC BUILDINGS IN HYDE COUNTY DAMAGED BY HURRICANE ISABEL AND ESTABLISHING REPORTING REQUIREMENTS.

Senator Nesbitt 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 by special message.

S.B. 82 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, temporarily displaced earlier.

Senator Berger of Rockingham offers Amendment No. 1.

Senator Clodfelter offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1.

Amendment No. 2 is adopted (27-21).

Senator Berger of Rockingham offers Amendment No. 3, which fails of adoption (22-26).

The Committee Substitute bill, as amended, passes its second (27-21) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

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COMMITTEE APPOINTMENT

Senator Basnight, President *Pro Tempore*, announces the establishment of the **Senate Select Committee on Homeland Security, Emergency Management, and Military Affairs**. The members are as follows:

Senator Nesbitt and Senator Thomas, Co-Chairs; Senator Dorsett, Senator Kerr and Senator Rand, Vice-Chairs; Senator Garwood, Ranking Minority Member; Senator Allran; Senator Apodaca; Senator Berger of Rockingham; Senator Boseman; Senator Brown; Senator Dalton; Senator Dannelly; Senator East; Senator Forrester; Senator Holloman; Senator Jenkins; Senator Presnell; Senator Snow and Senator Soles.

Upon motion of Senator Dannelly, seconded by Senator Kinnaird, the Senate adjourns subject to introduction of bills, to meet tomorrow, February 17, at 11:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Brown:

S.B. 134, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

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

By Senator Brown:

S.B. 135, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

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

By Senator Brown:

S.B. 136, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

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

By Senator Brown:

S.B. 137, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

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

By Senator Tillman:

S.B. 138, A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF ARCHDALE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

Referred to the **Finance Committee**.

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By Senators Hoyle; Apodaca, Dannelly, Garrou, Pittenger, Rand, Swindell, Thomas and Weinstein:

S.B. 139. A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION.

Referred to the **Ways & Means Committee.**

By Senators Smith, Kerr; Albertson, Apodaca, Bingham, Blake, Brock, Brown, Dalton, East, Forrester, Garwood, Goodall, Horton, Hoyle, Hunt, Jacumin, Jenkins, Pittenger, Presnell, Snow, Stevens, Thomas and Tillman:

S.B. 140. A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENT THAT FIREMEN HAVE FIVE YEARS OF SERVICE IN ORDER TO BE ELIGIBLE FOR ASSISTANCE UNDER THE LOCAL FIREMEN'S RELIEF FUND.

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

By Senator Blake:

S.B. 141. A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

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

By Senator Blake:

S.B. 142. A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

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

By Senator Blake:

S.B. 143. A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

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

By Senator Soles:

S.B. 144. A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ASSOCIATED ARTISTS OF SOUTHPORT FOR THE INSTALLATION OF AN ELEVATOR IN THE FRANKLIN SQUARE GALLERY.

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

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

S.B. 145. A BILL TO BE ENTITLED AN ACT TO AMEND THE SALES AND USE TAX STATUTES TO CONFORM TO THE STREAMLINED SALES TAX AGREEMENT.

Referred to the **Finance Committee.**

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

S.B. 146. 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.**

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By Senator Kerr:

S.B. 147, A BILL TO BE ENTITLED AN ACT DESIGNATING LIBERTY DAY IN THE STATE OF NORTH CAROLINA.

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

By Senators Berger of Franklin; Apodaca, Atwater, Boseman, Brown, Cowell, Graham, Holloman, Kerr, Snow, Swindell and Thomas:

S.B. 148, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS' AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS.

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

By Senators Thomas; Apodaca, Berger of Franklin, Berger of Rockingham, Boseman, Hoyle, Snow, Stevens, Swindell and Weinstein:

S.B. 149, A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETIRE WITH UNREDUCED BENEFITS AFTER COMPLETING TWENTY-FIVE YEARS OF SERVICE.

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

By Senators Hoyle; Boseman, Jenkins and Pittenger:

S.B. 150, A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS OF THE NORTH CAROLINA TURNPIKE AUTHORITY.

Referred to the **Transportation Committee**.

By Senator Jenkins:

S.B. 151, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD SENATORIAL DISTRICT.

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

By Senator Jenkins:

S.B. 152, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD SENATORIAL DISTRICT.

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

By Senator Jenkins:

S.B. 153, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TREASURER TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER

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TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Finance Committee**.

By Senator Jenkins:

S.B. 154, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

By Senator Jenkins:

S.B. 155, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION CONCERNING DRIVEWAY CONNECTIONS TO STATE HIGHWAYS.

Referred to the **Transportation Committee**.

By Senator Jenkins:

S.B. 156, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

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

By Senator Jenkins:

S.B. 157, A BILL TO BE ENTITLED AN ACT TO MODIFY THE RATE OF INTEREST ALLOWED ON HIGHWAY CONDEMNATION AWARDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Judiciary I Committee**.

By Senators Jenkins; Clodfelter, Dalton, Garrou, Hagan, Hoyle, Kerr and Rand:

S.B. 158, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUATION OF THE REVENUE TAX EVASION PROJECT AND FOR STAFF DEVELOPMENT.

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

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

S.B. 159, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.

Referred to the **Finance Committee**.

By Senators Berger of Rockingham; Apodaca, Bingham, Brock, Brown, Cowell, East, Goodall, Hartsell, Horton, Hunt, Jacumin, Pittenger, Smith, Stevens and Tillman:

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S.B. 160, A BILL TO BE ENTITLED AN ACT TO LIMIT OVER-THE-COUNTER PURCHASES OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; Apodaca, Bingham, Brock, Brown, East, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Stevens and Tillman:

S.J.R. 161, A JOINT RESOLUTION HONORING THE LIFE AND INFLUENCE OF NORTH CAROLINA MUSICIAN AND SINGER CHARLIE POOLE.

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

By Senators Berger of Rockingham; Apodaca, Bingham, Brock, East, Goodall, Hartsell, Horton, Hunt, Jacumin, Pittenger, Smith, Stevens and Tillman:

S.B. 162, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION.

Referred to the **Ways & Means Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:18 P.M.

FOURTEENTH DAY

Senate Chamber
Thursday, February 17, 2005

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:

"Merciful God, on the days when the world seems too large and complex, remind us here that some of the greatest ideas all began and we think will continue to be birthed on playgrounds and around dinner tables of our hometown neighborhoods.

"We pray for the Senators because they are charged with the responsibility of solving the complex problems of our State. But I think by occasionally looking through the eyes of children, we all might remember where we were heading in the first place.

"In Your holy name we pray, Amen."

The Chair grants leaves of absence for today to Senator Purcell and Senator Rand.

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Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, February 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 privileges of the floor to Dr. Edward Lewis from Asheville, 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.

ENROLLED BILLS AND RESOLUTIONS

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

S.J.R. 71, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES. (Res. 6)

ADDITIONAL SPONSORS

Senator Garwood and Senator Holloman request to be added as sponsors of previously introduced legislation:

S.B. 149, A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETIRE WITH UNREDUCED BENEFITS AFTER COMPLETING TWENTY-FIVE YEARS OF SERVICE.

REMOVAL OF BILL CO-SPONSOR

Senator Pittenger requests that he be removed as a sponsor of previously introduced legislation:

S.B. 102, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE OPERATION OF A MOTOR VEHICLE BY DRIVERS UNDER EIGHTEEN YEARS OF AGE WHILE USING A MOBILE TELEPHONE.

Upon motion of Senator Basnight, seconded by Senator Berger of Franklin, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, and introduction of bills, to meet Monday, February 21, at 6:45 P.M.

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INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Berger of Franklin; and Weinstein:

S.B. 163, A BILL TO BE ENTITLED AN ACT TO ACKNOWLEDGE THE TRIBAL GOVERNMENTS OF STATE-RECOGNIZED INDIAN TRIBES IN NORTH CAROLINA.

Referred to the **State & Local Government Committee**.

By Senator Berger of Franklin:

S.B. 164, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON.

Referred to the **State & Local Government Committee**.

By Senator Berger of Franklin:

S.B. 165, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

By Senator Albertson:

S.B. 166, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROSE HILL TO REGULATE GOLF CARTS.

Referred to the **State & Local Government Committee**.

By Senators Jenkins; and Kerr:

S.B. 167, 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**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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

S.B. 133, A BILL TO BE ENTITLED AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL VOTING IN 2004; AND TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

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

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 17, 2005

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S.J.R. 71**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the Speaker has appointed the following members of the House of Representatives to serve with a like committee of the Senate to escort Governor Michael F. Easley to the Joint Session:

Representative Morgan, Chair
Representative Culpepper
Representative Hackney
Representative Kiser
Representative Coleman
Representative Vinson
Representative Earle
Representative Insko
Representative Cunningham, and
Representative Alexander

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:20 P.M.

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FIFTEENTH DAY

Senate Chamber
Monday, February 21, 2005

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

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

"Dear God, on this President's Day we do pray for our President and for Your leadership in all the complex, critical decisions he must make every day on behalf of the people of this Country and really throughout the world.

"Help all of us here who have strong belief systems to live them, not only being thankful for our beliefs, but also molded by them.

"Help us hold fast to a faith in You that will enable us to meet every challenge with Godly discernment and eternal hope. In Your holy name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Apodaca, Senator Hartsell, Senator Jenkins and Senator Kinnaird.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, February 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Douglas Holmes from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Angela McClendon from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Basnight, President *Pro Tempore*, who appoints Senator Soles, Chair; Senator Lucas; Senator Rand; Senator Dannelly; Senator Malone; Senator Forrester; Senator Berger of Rockingham and Senator Allran as the Committee to escort The Honorable Michael F. Easley to the Joint Session of the General Assembly tonight.

A message is ordered sent to the House of Representatives informing that Honorable Body of the escort committee.

CALENDAR

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

S.B. 133 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL VOTING IN 2004; AND

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TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, February 22.

The Chair orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives pursuant to **S.J.R. 71**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 21, 2005

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S.J.R. 71**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise Weeks
Principal Clerk

Upon motion of Senator Basnight, and in accordance with S.J.R. 71, the Senate stands in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session for the purpose of receiving the State-of-the-State Address from The Honorable Michael F. Easley and further moves that, upon dissolution of the Joint Session, the Senate stand adjourned subject to introduction of bills, to reconvene Tuesday, February 22, at 2:00 P.M., which motions prevail.

The President declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

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JOINT SESSION

With members of the House of Representatives standing, the Senate is received in the Hall of the House of Representatives.

The Speaker of the House of Representatives presides and recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Chief Justice, the Associate Justices of the Supreme Court of North Carolina, and the Judges of the Court of Appeals. The Speaker directs the Sergeant-at-Arms of the House of Representatives to open the doors and escort the members of the Judiciary to their seats.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of members of the Council of State and the Governor's Cabinet. The Speaker directs the Sergeant-at-Arms to open the doors of the House of Representatives and escort the members of the Council of State and the Governor's Cabinet to their seats.

The Speaker extends the privileges of the House to the First Lady of North Carolina, Mrs. Mary Easley, and to Mr. Michael Easley, son of Governor Michael F. Easley, and all invited guests.

The Speaker relinquishes the gavel to Lieutenant Governor Beverly E. Perdue, President of the Senate, who presides.

The President of the Senate calls the Joint Session of the General Assembly to order.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of His Excellency, The Honorable Michael F. Easley, Governor. The President directs the Sergeant-at-Arms of the House of Representatives and the Sergeant-at-Arms of the Senate and the Committees appointed by the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives to escort the Governor to the Well of the House of Representatives. Senator Soles is recognized and presents the Governor to the President of the Senate. The President presents His Excellency, The Honorable Michael F. Easley, who delivers the State-of-the-State Address to the 2005 General Assembly.

STATE-OF-THE-STATE ADDRESS

“Speaker Black, Senator Basnight, Lieutenant Governor Perdue, Speaker Protem Morgan, Members of the General Assembly, Chief Justice Lake, Members of the Court, Council of State and Cabinet, honored guests and fellow citizens, before I begin, I would like to recognize my wife, Mary, and my son, Michael, who are here with me tonight and I want to thank them for their love and

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support. When we last came together in this Chamber, our Country was under the shadow of war. Two years and 1400 courageous American lives later, that war is still with us. As we take time to reflect on our progress here at home, let us also reflect on those who are serving so well abroad. To the airmen at Seymour Johnson and Pope Air Force Base, the Marines at Cherry Point and Camp Lejeune, the soldiers at Fort Bragg, the National Guard and Coast Guard who are here tonight, we are so proud of you and we are proud to be the most military-friendly State in America. So many of our brave men and women are still abroad serving with honor and with dignity. We lend them our support and pray for their safe and speedy return, but our prayers must be coupled with action for our military families. To that end, I will ask for another appropriation this year to help our military children and spouses with expenses incurred by the long and unexpected separation. You funded it last year, I will ask for it again. The fight for the protection of American values is not only the duty of the military, it is the patriotic duty of all of us. Our effort to protect America's dominance in the world depends not just on the finest military, but also on the finest workforce in the world. With us tonight is General Dan Hickman. He just returned after a year as the commanding officer of the 30th Infantry Heavy Brigade in Iraq. He is the General who brought to our attention that our troops needed radios, laptops, armor, and other equipment. North Carolina ordered that equipment and shipped that equipment over to Iraq. But he is also Dan Hickman, Community College Vice President. He has a dual role in protecting the American way of life. He commands the finest military in the world, but he also trains the finest workforce in the world. He performs his patriotic duty in both lines of work and, General, we will support you all the way in both your endeavors.

"It is the Federal Constitution that provides for the common defense, but it is our State Constitution that provides for the education of our workforce. In this global era, freedom is not guaranteed by a strong military alone. Today, a high-quality workforce is essential to our economic freedom. We must raise the knowledge, talent and skill of our people in this State and in this Country because America's competitive edge is creativity, now and always has been, and innovation. Whether we as Americans maintain dominance in the world economy depends not on Washington, but on this General Assembly and your colleagues in other states to provide all Americans the education they need to compete and win in the global economy. I cannot speak for other states, but we in North Carolina will do our part. Since I last spoke to you, our economy is stronger, our budget is stronger and most important, our State is stronger. Our unemployment rate has dropped faster in the last two years than nearly every state and is now below the national average. We have gained over 83,000 jobs and we were in the top five in the nation in net jobs created last year. This is no accident or stroke of luck – this is the result of tough choices and hard work. While other states buckled under budget pressure, North Carolina refused to drop the ax on our classrooms because together we have faith that investing in education will allow all of our people in every corner of every county of this great State to fully develop their God-given talents. This is not just an economic

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imperative, it is a moral imperative. It is a North Carolina value. Four years ago, some classrooms had thirty-five students. Today in K-third grade the class size is just eighteen. Four years ago, North Carolina was one of only two Southern states with no pre-k program. This year, over 15,000 four-year olds will start pre-k as at-risk children and finish as ready-to-learn students. Our school children are making more progress than ever. Our fourth graders led the Nation in math last year. Class size is down and test scores are up. Not long ago our college-going rate trailed the Nation but today, because we fully funded enrollment increases and kept college affordable, we are a national leader in high school seniors going on to college. Our investments in Moving Ahead, highways, roads and bridges, have all paid off and North Carolina goods are now flowing through our ports all around the world with direct shipments to China and Japan. Now we can do what we ought to be doing - export North Carolina products, not North Carolina jobs. We are using smart and targeted investments to take advantage of major business opportunities. You have given me the flexibility we need to respond quickly to new opportunities and I am mindful of the responsibility that accompanies that trust. Every economic development tool will be used for the public purpose of creating jobs and we cannot stop until every North Carolinian who wants a job has a job. New names have arrived like General Dynamics, Verizon and Dell. Long-time North Carolina companies are expanding like GE, Merck and Lowe's and we will soon have the only statewide bio-manufacturing job-training network in the world. North Carolina is now poised to become the world leader in bio-manufacturing with new good-paying jobs not just in the Triangle but throughout the entire State. Today, companies can take advantage of a broader R&D tax credit to make sure that their most creative work stays here in North Carolina. Today, Ernst & Young says North Carolina has one of the lowest tax burdens on business. We continue to be ranked at the top in business climate because we keep skills high and costs low. We want to make it easy for business to create jobs not just so business will profit but so our people will prosper. In the end, everything that we do must be about making a higher and better quality of life for all of our people.

“Speaking of people, we have not forgotten those people who built this Country and made it great. Today, according to the State AARP, we have the best prescription drug coverage for seniors in America. North Carolina is proud to lead the nation in providing for the greatest generation and we will not forget the great generations to come. We have fully funded our Health Choice program for over 124,000 children. In North Carolina, no child will be left behind in health care, either. But here is the good part, maybe the best part. The important part is we did all this while we restored fiscal discipline. We did all of this while we cut waste and we did all this while we put a cap on government growth. North Carolina made real and sustainable progress. That means the funds will be there to provide these important programs in years to come, in good times and in bad. So let us continue our progress aggressively, but within a new era of realism that guarantees the promises we make today will not be broken tomorrow.

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“Real vision demands that we make tough choices, but real vision is responsible and it is paid for. We have met the challenges of the past four years, but we still have much to do. Too many of our ninth graders are still not completing high school on time. As the economy changes, our schools must change, too. We must raise our high school graduation rate dramatically and quickly. We have great universities, great community colleges, wonderful early childhood and now great elementary schools. There is no excuse not to have great high schools, too, in North Carolina. The high schools we have simply will not meet the demands of the global economy and 21st century schools must teach 21st century skills. I want all ninth graders to hear this. By the time you reach the twelfth grade, no matter where you live in North Carolina, you will have the opportunity to receive a two-year college degree with just one extra year of school. A new partnership with high schools, community colleges and universities holds great promise for fully developing our State’s talent. You funded these pilot programs last year. The innovative project is called Learn and Earn. It’s simple, you learn more and you earn more. We are taking this initiative statewide over four years and everybody wins. Our workforce gets better skilled and more attractive and students get better educated and get a better job. We are moving forward on other high school initiatives, too, as well with help from the Gates Foundation. We are building smaller schools within a school so the students know the teachers and the teachers know the students. These schools will focus on areas such as health sciences, biotechnology, and information technology, the very fields that have the most potential for growth and the students will work in these sectors as part of their education. Students can then see the connection between the courses they take and the jobs they want and it makes school relevant for them and they do not drop out. If we keep their interest, we will keep them in school and soon the best-educated workforce in America will be found within the borders of this State. Today, the economy demands that everybody participate. There is no room for error. Nobody can be left behind. It is time that we provide adequate funds to those counties that lack the ability to provide for their schoolchildren. Just as we will be judged individually by how we treat the least of our brethren, so shall we be judged as a state. We cannot pretend that low-wealth and at-risk schools are not a problem in this State and it cannot be solved by a judge's decision or my executive order. To have a fair shake in life, these disadvantaged kids need the power, the commitment and the compassion of this General Assembly. We cannot allow support of a system of education that discriminates against even one child in North Carolina. My budget will fully fund the low-wealth formula over two years, an increase of over fifty percent, to see that all children receive the same opportunities as the rest of North Carolina, not because it is law, but because it is right and just and fair. But let this much be clear. When we offer opportunity, we will demand real accountability. We can do a better job with the money we have. Our children deserve more and so do our taxpayers. The State has too many different funds for at-risk kids with too little accountability. I want to pull this money together under one formula with one set of requirements and a lot of

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accountability. That is the only way to find out what works and what does not. Then we can invest in a proven strategy that helps all children meet high standards and reach their full potential. We know that when our children have access to good teachers, they not only succeed, they excel. But right now we only produce one-third of the teachers we need. We know that this business model will not work. We have to change it so we are bringing together our community colleges with our universities to educate teachers in the communities where they are needed most. If you let teachers learn close to their homes, they will stay there and teach. This partnership has worked well on a pilot basis. Now all of our university campuses will begin programs with community colleges in every corner of this State so that teachers can get their degree from a licensed university in their community and children can get the teachers they need in their schools. This plan will increase the number of new teachers by sixty-four percent each year. Even the best teachers cannot control every aspect of a student's life. Life outside of school matters as much as the classroom, if not more. That is why we mandated character education. If we are to close the achievement gap, increase the graduation rate, and prepare all of our students for the global economy, we must address the whole child. Many of you know that I was a prosecutor for fifteen years in our State courts. I saw thousands of young children come to court with their parents and you could literally pick out which ones had a chance, which ones would make it and which ones would not. You've seen the same thing. Everybody there knew it. I knew it, the Judge knew it, the Clerk knew it. If we know we have a problem then we have a duty to address it and we have a duty to fix it. We need social services and school staff working closer together in our schools to connect students and their families to the help they need. The services are already available in every county. We just need to connect them with the schools. We cannot educate a child without the help and cooperation of parents. Clearly, parents are trying to raise their children right and get them a good education, but some ignore parental responsibility. There is a child neglect statute on the books in this State. For those parents who intentionally interfere with their child's education, we will use that law to protect that child's right to get an education. Teachers are held accountable for educating our children in school. We, as parents, should be held accountable for our children at home. Reforming high schools, requiring more accountability for more resources, providing more teachers, meeting the needs of our children, and improving our skills in the global economy - this is a formula for success that leads to progress. This is what it takes to protect American values and that is what it takes to build One North Carolina and a stronger America.

"But our education plans do not stop in high school. This year, more students will enter college than ever before in the history of North Carolina. More students will need financial aid. Washington just cut aid to over 15,000 North Carolina students. They need that help desperately to go to college in this knowledge-based economy. We will have to provide the funds. So our message to these students is simple - stay in school and study hard. Washington may leave you on the curb, but North Carolina will not. Our budget will fund what

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Washington shamefully cut. I commend the Board of Governors for holding the line on tuition this year. Tuition cannot rise every single year, and it will not go up in my budget. More community colleges need equipment for training, otherwise, they have to waitlist students. My budget will make these investments and it is not just equipment, but people that make the difference in community colleges. My budget will continue the progress to get community college pay up to the national average. This package of educational initiatives and restructuring and reforms I have outlined tonight, from pre-k to the university, is critical to our State, especially in the area of globalization. We have no choice but to provide the resources necessary to meet all those demands.

“So where do we get those resources? Is this something that we can pull this year from the revenue that we are overlooking? Something that forty-two other states have that we don’t have? Is there something that I have missed? You know my idea. I had a man at church not long ago tell me that he was against the lottery and he was selling me a raffle ticket at the time. I’m for the education raffle! Rest easy, my budget will not include an education lottery this year. You should remember that you have fronted the money from the general fund for More at Four, class size reduction and school construction. From day one, I have said an education lottery should pay for these items. This lottery issue is not going away, only the money for the education lottery is going away, from our State to other states every single day. Since I delivered my first State-of-the-State address, hundreds of millions of dollars have gone to education in South Carolina, Georgia, Virginia and Tennessee. Our people are playing the lottery. We just need to decide which schools we want to fund, other states or ours. I am for funding our schools.

“We cannot talk about our needs and ignore health care. Costs are rising by double digits. The bad habits of some drive up costs for all. This must change. The time has come to significantly increase the cigarette tax and reduce teen smoking in North Carolina and the time has also come for those cigarette companies who are not part of the original tobacco settlement agreement to make payments for the disease they cause and abide by the same advertising restrictions that prohibit marketing to children that other companies have to do.

“We have come so far these past four years through focus and discipline, a lot of discipline. State spending growth has been the lowest of any four-year period in the past fifty years. We have turned deficits into surpluses and overcome adversity at every turn. But let us never forget the recent past.

“We must abide by a reasonable spending cap. We can never let the overspending of the nineties occur again. Efficiency and reasonable cuts are the new realities of budget life, but we can make it work. We have made it work. We kept spending growth down, while test scores went up. We cut spending and still raised college enrollment and we sustained our investments without sticking it to those who will come after us. The continued progress must be a North Carolina hallmark this year as well as others. We cannot be satisfied with the status quo or be satisfied to measure our progress against neighboring states. We must look across the nation and across the ocean to other countries to take our measure. We cannot hesitate in our journey to build One North Carolina or our patriotic duty to build a better America.”

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“I want to close tonight by saying something to this General Assembly, to each of you. In the last four years, you have accomplished more with fewer resources in a shorter period of time than almost any legislature in history. It has not always been pretty, but it has been pretty doggone good. With faith in God and confidence in our ambition, let us work together on these mighty goals, for they are worthy of a great State. God bless you, and God bless North Carolina.”

The Escort Committee is recognized to escort Governor Easley from the Hall of the House of Representatives, who departs to a standing ovation.

Upon motion of Senator Basnight, seconded by Speaker Black, the Joint Session is dissolved, and pursuant to the motion prevailing earlier in the Senate, the Senate adjourns subject to introduction of bills, to meet tomorrow, Tuesday, February 22, at 2:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Dalton; Albertson and Hoyle:

S.B. 168, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE EARL SCRUGGS/DON GIBSON SOUTHERN MUSIC TOURISM FACILITY.

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

By Senators Dalton; Albertson and Hoyle:

S.J.R. 169, A JOINT RESOLUTION HONORING NORTH CAROLINA NATIVES DON GIBSON AND EARL SCRUGGS.

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

By Senator Dalton:

S.B. 170, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN.

Referred to the **Finance Committee**.

By Senator Dalton:

S.B. 171, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF STUDENT MOBILITY ON ACADEMIC PERFORMANCE.

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

By Senators Smith; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Horton, Hunt, Jacumin, Pittenger, Presnell, Stevens, Tillman and Webster:

S.B. 172, A BILL TO BE ENTITLED AN ACT TO PROVIDE A CORPORATE INCOME TAX EXEMPTION.

Referred to the **Finance Committee**.

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By Senators Bingham; Berger of Rockingham, Forrester, Goodall, Hartsell, Kinnaird and Stevens:

S.B. 173, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA COURTS COMMISSION TO STUDY THE ORGANIZATION OF THE GENERAL COURT OF JUSTICE INTO DISTRICTS AND DIVISIONS.

Referred to the **Judiciary II Committee**.

By Senator Horton:

S.B. 174, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH.

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

By Senator Horton:

S.B. 175, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Horton:

S.B. 176, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE PROTECTION OF NORTH CAROLINA'S HISTORIC MONUMENTS AND MEMORIALS.

Referred to the **State & Local Government Committee**.

By Senator Soles:

S.B. 177, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SOUTHEASTERN COMMUNITY COLLEGE.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:51 P.M.

SIXTEENTH DAY

Senate Chamber
Tuesday, February 22, 2005

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 Governor Easley's State-of-the-State Address last night, I noted that the members of the Senate listened intently to the Governor's words. They are to be commended.

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"No one was counting the masonry blocks that make up the wall of the House Chamber or scribbling notes on the daily calendar in front of him like members of the congregations often do at a worship service.

"I must admit that I found myself somewhat jealous of the attention directed toward the Governor as opposed to the kind of attention one gets in church, until I remembered that when the congregation listens to the preacher so intently, they have more on their minds than the Kingdom of Heaven! Take note, Governor. Amen."

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Tillman:

S.B. 178, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO LICENSURE REQUIREMENTS FOR PLUMBING AND HEATING CONTRACTORS.

Referred to the **Commerce Committee**.

By Senator Purcell:

S.B. 179, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF LAURINBURG TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

Referred to the **State & Local Government Committee**.

CALENDAR

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

S.B. 133 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL VOTING IN 2004; AND TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING.

Senator Horton offers Amendment No. 1 which fails of adoption (21-29).

Senator Berger of Rockingham offers Amendment No. 2 which fails of adoption (21-29).

The Committee Substitute bill passes its second (29-21) and third readings and is ordered sent to the House of Representatives.

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INTRODUCTION OF BILLS AND RESOLUTIONS

Resolutions are filed for introduction today, the rules are suspended and they are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Albertson:

S.J.R. 180, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF SALEMBURG ON THE TOWN'S 100TH ANNIVERSARY.

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 Albertson, the joint resolution is read in its entirety.

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

Upon motion of Senator Albertson, the Chair extends the courtesies of the gallery to Mayor Bobby Strickland and his wife, Pauline, from the Town of Salemburg.

S.J.R. 182, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY MAY MEET IN BATH TO COMMEMORATE THE TRICENTENNIAL OF THAT TOWN.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for tomorrow, February 23.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 9, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN BOARDS OF COUNTY COMMISSIONERS TO ISSUE ORDINANCES PERMITTING LIMITED HORSE RACING FOR ECONOMIC DEVELOPMENT PURPOSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15057, is adopted and engrossed.

SENATE PAGES

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

Dillon-Paul Cox, Lenoir; Jessica Rae Frisbee, Newton; Jazmine Gantz, Raleigh; Erich P. Grant, Chapel Hill; Jason E. Hawkins, Magnolia; Amy Lee Hester, Newton; Courtney Nicol Ivey, Mount Olive; Curtina King, Fayetteville;

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Kenneth Lathan, Fayetteville; Breanca Sharice Leach, Wake Forest; Bright Elizabeth Light, Hickory; Christopher Dorian Miller, Charlotte; Peter Allen Rowe, Hickory; Neil A. Semmler, Charlotte; Christopher Shaw, Fayetteville; Wayneo Sheppard, Fayetteville; Ashley Spell, Raleigh; Katie Marie Ward, Morehead City; and Nicholas Charles Wimpey, Elizabeth City.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 3:10 P.M. subject to receipt of committee reports and introduction of bills, to meet tomorrow, Wednesday, February 23, at 3:30 P.M.

SEVENTEENTH DAY

Senate Chamber
Wednesday, February 23, 2005

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

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

"God, our Father, a wise Rabbi was once asked why so few people were finding God. He replied, 'People are not willing to look that low.'

"Lord, when have we clothed You, visited You in prison, taken care of You when You were sick, fed you?

"When You have done it to the least of these,' You replied,
'You have done it to me!'

"The Rabbi was right. Help us to be willing to look that low, O God, in order to find you. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, February 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 privileges of the floor to Dr. Charles Boyette, Mayor of Belhaven, from Belhaven, North Carolina and Peter Chen, medical student from Wake Forest School of Medicine, who are serving the Senate as Doctors of the Day, and to Barbara Stancil from Kenly, North Carolina and Linda Bennett from Lumberton, North Carolina, who are serving the Senate as Nurses of the Day.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 72, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO EXPAND COUNTY BOARD OF HEALTH MEMBERSHIP TO INCLUDE A RESTAURANT OWNER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75072, which changes the title to read **S.B. 72** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO CHANGE COUNTY BOARD OF HEALTH MEMBERSHIP TO INCLUDE A RESTAURANT OWNER, is adopted and engrossed.

S.B. 3, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO REQUIRE ITS LICENSEES TO SUBMIT EVIDENCE OF CONTINUING COMPETENCY UPON LICENSE RENEWAL OR REINSTATEMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75084, which changes the title to read **S.B. 3** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO REQUIRE APPLICANTS TO SUBMIT EVIDENCE OF CONTINUING COMPETENCY UPON LICENSE RENEWAL OR REINSTATEMENT, is adopted and engrossed.

S.B. 83, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, 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 85058, which changes the title to read **S.B. 83** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY A FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, is adopted and engrossed.

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

By Senator Holloman for the **State & Local Government Committee**:

S.B. 166, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROSE HILL TO REGULATE GOLF CARTS, with a favorable report.

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 7 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE

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IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, APPROPRIATING FUNDS TO RESTORE AND REPAIR CERTAIN PUBLIC BUILDINGS IN HYDE COUNTY DAMAGED BY HURRICANE ISABEL AND ESTABLISHING REPORTING REQUIREMENTS, for concurrence in the House Committee Substitute.

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

CALENDAR

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

S.B. 9 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN BOARDS OF COUNTY COMMISSIONERS TO ISSUE ORDINANCES PERMITTING LIMITED HORSE RACING FOR ECONOMIC DEVELOPMENT PURPOSES.

Upon motion of Senator Weinstein, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, March 2.

S.J.R. 182, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY MAY MEET IN BATH TO COMMEMORATE THE TRICENTENNIAL OF THAT TOWN.

The joint resolution passes its second reading (48-0) and third reading 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, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

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

S.B. 41, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORDS CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, 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 35048, which changes the title to read **S.B. 41** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORD CHECKS

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FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 7 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, APPROPRIATING FUNDS TO RESTORE AND REPAIR CERTAIN PUBLIC BUILDINGS IN HYDE COUNTY DAMAGED BY HURRICANE ISABEL AND ESTABLISHING REPORTING REQUIREMENTS, for concurrence in the House Committee Substitute, placed earlier on today's Calendar.

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.

ENROLLED BILLS AND RESOLUTIONS

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

S.J.R. 180, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF SALEMBURG ON THE TOWN'S 100TH ANNIVERSARY. (Res. 7)

Upon motion of Senator Basnight, seconded by Senator Bingham, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, and introduction of bills, to meet tomorrow, Thursday, February 24, at 10:00 A.M.

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INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Tillman; Allran, Apodaca, Atwater, Berger of Franklin, Bingham, Blake, Brock, Brown, Clodfelter, Dorsett, East, Forrester, Garwood, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Presnell, Purcell, Smith, Soles, Stevens and Thomas:

S.B. 181, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CERTIFICATION IN NORTH CAROLINA OF OUT-OF-STATE TEACHERS WHO ARE FULLY CERTIFIED AND HIGHLY QUALIFIED IN ANOTHER STATE.

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

By Senators Rand; Albertson, Atwater, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Hoyle, Kerr, Kinnaird, Lucas, Malone, Purcell, Shaw, Snow, Soles, Thomas and Weinstein:

S.B. 183, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF THE SCHOOLS ATTUNED PROGRAM IN THE NORTH CAROLINA PUBLIC SCHOOLS.

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

By Senator Holloman:

S.B. 184, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ROANOKE RAPIDS.

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

By Senators Holloman; Berger of Franklin, Cowell, Graham and Kinnaird:

S.B. 185, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGISTERED BUSINESSES THAT REPLACE WINDSHIELDS MAY OBTAIN REPLACEMENT INSPECTION STICKERS WITHOUT PAYING THE STICKER FEES.

Referred to the **Finance Committee**.

By Senators Purcell; Albertson, Allran, Bingham, Dannelly, Dorsett, Garwood, Horton, Jenkins, Kinnaird, Swindell, Tillman and Weinstein:

S.B. 186, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DIVISION OF FOREST RESOURCES AS AN EMERGENCY RESPONSE AGENCY.

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

By Senators Purcell; Allran, Bingham, Boseman, Dannelly, Dorsett, Kinnaird, Lucas, Swindell and Weinstein:

S.B. 187, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR NC HEALTHY START FOUNDATION INITIATIVES.

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

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

S.B. 188, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOOD BANKS.

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

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

S.B. 189, A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES.

Referred to the **Commerce Committee**.

By Senators Horton, Kinnaird and Brock:

S.B. 190, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR BUILDERS AND PURCHASERS OF ENERGY-EFFICIENT HOMES.

Referred to the **Finance Committee**.

By Senator Hagan:

S.B. 191, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Hagan:

S.B. 192, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Shaw:

S.B. 193, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA BRIDGE AUTHORITY TO THE NORTH CAROLINA TOLL ROAD AND BRIDGE AUTHORITY, TO AUTHORIZE THE RENAMED AUTHORITY TO CHARGE A TOLL ON A NORTH-SOUTH PRIMARILY RURAL INTERSTATE HIGHWAY, AND TO DIRECT THE USE OF TOLL PROCEEDS TO EXPANSION AND MAINTENANCE OF THAT INTERSTATE AND FOR OTHER TRANSPORTATION PURPOSES.

Referred to the **Finance Committee**.

By Senators Garrou, Dalton and Hagan:

S.B. 194, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senators Garrou, Dalton and Hagan:

S.B. 195, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senators Garrou; Albertson, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Boseman, Clodfelter, Dalton, Dorsett, Garwood, Hagan, Holloman, Horton, Hoyle, Jenkins, Kerr, Lucas, Malone, Nesbitt, Purcell, Rand, Snow, Soles, Stevens, Thomas and Weinstein:

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S.B. 196, 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 **Commerce Committee**.

By Senator Garrou:

S.B. 197, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Garrou:

S.B. 198, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:04 P.M.

EIGHTEENTH DAY

Senate Chamber
Thursday, February 24, 2005

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 Larry Shaw, Senator from Cumberland County, as follows:

"In the name of God, the most gracious, the dispenser of grace, all that is the heavens and all that is on Earth extols God's limitless glory. For He alone is The Almighty, truly wise and supreme. All you who have attained to faith, why do you say one thing and do another? Most loathsome is it in the sight of our Lord that you say what you do not do.

"Now when Moses spoke to his people, there was the same truth that he had in mind. All my people, why do you cause me grief? Why you know that I am an apostle of God, sent unto you. And when they swerve from the right, God let their hearts swerve from the right way. God let their hearts swerve from the truth. And this happened, too, when Jesus, son of Mary, said, 'Oh children of Israel, behold, I am an apostle of God unto you sent to confirm the truth of the Torah and to give you glad tidings of an apostle who shall come after me, who's name shall be Ahmad.' But God does not distill his guidance upon evil-doing folks. They aim to extinguish God's light with their mouths and their slander. But God has willed to spread His light in all of His fullness.

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"Ladies and gentlemen, this week, as always, we have pages. These outstanding young men and women come to serve us. Let us be a light for them. Also in their midst is a very special group of young men and women. These young men and women are wards of the State. I have come to know them, love them, and appreciate their courageousness beyond valor, their grace beyond humility. For when there is no one to care for them, they have continued to persevere, and many of them have made it this far. I hope that you join and keep them in mind in your prayer because I have found them to be very sincere, cheerful, and hopeful for the future. Amen."

The Chair grants leaves of absence for today to Senator Allran, Senator Atwater, Senator Dalton, Senator Hoyle, Senator Malone and Senator Rand.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, February 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Charles Willson from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Gloria Patterson from Wilson, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

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

S.B. 7, A BILL TO BE ENTITLED AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT, PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF

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POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, APPROPRIATING FUNDS TO RESTORE AND REPAIR CERTAIN PUBLIC BUILDINGS IN HYDE COUNTY DAMAGED BY HURRICANE ISABEL AND ESTABLISHING REPORTING REQUIREMENTS.

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

S.J.R. 182, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY MAY MEET IN BATH TO COMMEMORATE THE TRICENTENNIAL OF THAT TOWN. (Res. 8)

Upon motion of Senator Nesbitt, **S.B. 7** will be sent to the Governor by special message.

CALENDAR

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

S.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO REQUIRE APPLICANTS TO SUBMIT EVIDENCE OF CONTINUING COMPETENCY UPON LICENSE RENEWAL OR REINSTATEMENT.

Upon motion of Senator Purcell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, March 1.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 82 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for Monday, February 28, for concurrence.

H.J.R. 100 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PAUL P. HARRIS AND THE FOUNDERS OF ROTARY INTERNATIONAL ON THE ORGANIZATION'S ONE HUNDREDTH ANNIVERSARY.

The Committee Substitute joint resolution is ordered held by the Senate.

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CALENDAR *(continued)*

S.B. 41 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORD CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 72 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO CHANGE COUNTY BOARD OF HEALTH MEMBERSHIP TO INCLUDE A RESTAURANT OWNER.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

Upon motion of Senator Dannelly, seconded by Senator Pittenger, the Senate adjourns subject to introduction of bills, to meet Monday, February 28, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Soles:

S.B. 199, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO ESTABLISH AN ASSISTANT COUNTY RANGER POSITION IN THE DIVISION OF FOREST RESOURCES TO BE ASSIGNED TO COLUMBUS COUNTY.

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

By Senators Webster; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Presnell, Smith, Stevens and Tillman:

S.B. 200, 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 **Judiciary I Committee**.

By Senator Hoyle:

S.B. 201, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO LEVY A ROOM AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

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By Senator Weinstein:

S.B. 202, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.

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

By Senator Weinstein:

S.B. 203, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.

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

By Senator Stevens:

S.B. 204, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS.

Referred to the **Finance Committee**.

By Senators Graham; Berger of Franklin, Cowell, Dannelly, Dorsett, Holloman, Lucas, Malone and Shaw:

S.J.R. 205, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FREDERICK DOUGLAS ALEXANDER, FORMER MEMBER OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF BLACK HISTORY MONTH.

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

By Senator Albertson:

S.B. 206, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF SALEMBURG.

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

By Senator Garwood:

S.B. 207, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ASHE.

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

By Senator Lucas:

S.B. 208, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA OCCUPATIONAL THERAPY PRACTICE ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE CEILING ON ITS FEES.

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

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By Senators Kinnaird; Bingham, Dorsett and Weinstein:

S.B. 209, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADOPTIVE PARENT AND A BIRTH RELATIVE TO ENTER INTO A WRITTEN AGREEMENT TO PROVIDE FOR POST-ADOPTION CONTACT AND COMMUNICATION.

Referred to the **Judiciary II Committee**.

By Senators Albertson; Jenkins and Kerr:

S.B. 210, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE.

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

By Senators Purcell; Albertson, Dannelly, Dorsett, Lucas and Malone:

S.B. 211, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BEGIN DEVELOPING PLANS FOR THE CONSTRUCTION AND FINANCING OF A STATE PUBLIC HEALTH LABORATORY.

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

By Senators Goodall; Berger of Franklin, Horton, Jacumin, Pittenger and Webster:

S.B. 212, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO PROVIDE FUNDS TO CHARTER SCHOOLS.

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

By Senators Goodall; Horton, Jacumin, Pittenger and Webster:

S.B. 213, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

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

By Senators Nesbitt, Kinnaird and Cowell:

S.B. 214, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON CIGARETTES.

Referred to the **Finance Committee**.

By Senators Nesbitt and Apodaca:

S.B. 215, A BILL TO BE ENTITLED AN ACT CONCERNING THE ASHEVILLE WATER AUTHORITY.

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

By Senators Nesbitt, Swindell, Allran, Dannelly, Lucas, Purcell, Hartsell and Thomas:

S.B. 216, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE COORDINATION OF SERVICES TO CHILDREN, YOUTH, AND FAMILIES BY CREATING CHILDREN'S SERVICES WORK GROUPS, BY

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ESTABLISHING AN INDEPENDENT STUDY COMMISSION TO MAKE RECOMMENDATIONS ON HOW TO ELIMINATE BARRIERS TO COLLABORATION BETWEEN AND AMONG CHILD-SERVING AGENCIES, AND TO MAKE AN APPROPRIATION AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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

By Senators Dalton; Clodfelter, Hagan, Hartsell, Kinnaird, Purcell, Rand and Snow:

S.B. 217, A BILL TO BE ENTITLED AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING MEDICAL MALPRACTICE INSURANCE POLICY LIMITS PRIOR TO LITIGATION OF MEDICAL MALPRACTICE CLAIMS, TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THESE CLAIMS, AND TO REPEAL THE PRIOR EXEMPTIONS FOR THESE CLAIMS AS TO PROVIDING THIS INFORMATION AND GIVING THE OPTION TO INITIATE PRELITIGATION MEDIATION.

Referred to the **Judiciary II Committee**.

By Senator Dalton:

S.B. 218, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Dalton:

S.B. 219, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

ADDITIONAL SPONSOR

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

S.B. 115, 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.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:05 A.M.

NINETEENTH DAY

Senate Chamber
Monday, February 28, 2005

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:

"Most gracious God, in all great and small matters that claim our attention this week, please let us live with an abundance of conviction in what we believe. Let us live with courage to stand alone, if necessary, against great odds, and may our consciences be guided by Your Holy Spirit. We ask believing You will hear and answer our prayer. Amen."

The Chair grants leaves of absence for tonight to Senator Forrester, Senator Garwood, Senator Thomas and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, February 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Noel McDevitt from Pinehurst, 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.

CHAPTERED BILLS

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

S.B. 7, AN ACT TO ENACT THE HURRICANE RECOVERY ACT OF 2005, MAKING FINDINGS AS TO DAMAGE CAUSED BY THE HURRICANES THAT STRUCK NORTH CAROLINA IN 2004, CONCERNING ESTABLISHMENT OF THE DISASTER RELIEF RESERVE FUND, MAKING APPROPRIATIONS TO THE DISASTER RELIEF RESERVE FUND, DIRECTING THE REESTABLISHMENT AND MODIFICATION OF HURRICANE FLOYD RECOVERY PROGRAMS, AUTHORIZING ESTABLISHMENT OF NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, AND MODIFICATION OF EXISTING PROGRAMS TO IMPLEMENT THIS ACT, AUTHORIZING TRANSFER OF FUNDS TO FEDERAL AGENCIES AND LOCAL GOVERNMENTS, AUTHORIZING TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT,

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PROVIDING FOR SUBROGATION BY THE STATE OF CERTAIN INSURANCE CLAIMS, AUTHORIZING ADVISORY COUNCILS TO ADVISE STATE AGENCIES ON RECOVERY EFFORTS, PROVIDING FOR TAX EXEMPTION OF BENEFITS, DIRECTING THE MAPPING OF FLOOD PLAINS AND THE IDENTIFICATION OF POTENTIAL LANDSLIDE AREAS AND STREAM BANK EROSION, DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CAUSES OF FLOODING IN CERTAIN AREAS AND DETERMINE MEASURES TO PREVENT OR MITIGATE FUTURE FLOODING, DIRECTING THE GOVERNOR TO MAINTAIN THE REDEVELOPMENT OFFICE IN WESTERN NORTH CAROLINA, APPROPRIATING FUNDS TO RESTORE AND REPAIR CERTAIN PUBLIC BUILDINGS IN HYDE COUNTY DAMAGED BY HURRICANE ISABEL AND ESTABLISHING REPORTING REQUIREMENTS. (Became law upon approval of the Governor, February 25, 2005 - S.L. 2005-1.)

MESSAGE FROM THE GOVERNOR



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

MICHAEL F. EASLEY
GOVERNOR

February 25, 2005

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute 62-10, I hereby appoint Howard N. Lee to serve as a member of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. His term shall begin upon confirmation and will expire June 30, 2009.

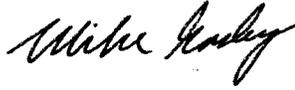
Mr. Lee will fill the seat formerly held by Michael Wilkins.

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Enclosed is biographical information on this appointee. Please feel free to call on him or members of my staff if you need additional information.

With kindest regards, I remain

Very truly yours,



Michael F. Easley

MFE: afa

Enclosure

c: The Honorable Marc Basnight
The Honorable James Black
The Honorable Beverly Perdue
Ms. Denise Weeks

Referred to the Commerce Committee.

CALENDAR

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

S.B. 82 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, for concurrence in the House Committee Substitute.

Upon motion of Senator Clodfelter, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, March 1.

WITHDRAWAL FROM COMMITTEE

S.J.R. 205, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FREDERICK DOUGLAS ALEXANDER, FORMER MEMBER OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF BLACK HISTORY MONTH, referred to the **Rules and Operations of the Senate Committee** on February 24.

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Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it before the Senate for immediate consideration.

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

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

COMMITTEE APPOINTMENTS

Senator Dannelly, Deputy President *Pro Tempore*, announces the establishment of the **Senate Select Committee on the NC State Employees' Disability Plan** and announces the appointment of the following members:

Senator Rand, Chair; Senator Apodaca; Senator Bingham; Senator Cowell; Senator Dalton; Senator Garrou; Senator Hagan; Senator Hartsell; Senator Hoyle; Senator Kerr; Senator Malone; Senator Purcell and Senator Stevens.

ADDITIONAL SPONSOR

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

S.B. 211, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BEGIN DEVELOPING PLANS FOR THE CONSTRUCTION AND FINANCING OF A STATE PUBLIC HEALTH LABORATORY.

S.B. 212, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO PROVIDE FUNDS TO CHARTER SCHOOLS.

SENATE PAGES

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

Ben Abele, Yanceyville; Ashley Chavis, Raleigh; Alexandria Conerly, Raleigh; Kathryn Nicole Dorminey, Raleigh; Amanda Lee Eubanks, Beaufort; Shar-Name' LeFleur Flowers, Louisburg; Erica Bethany Hill, Raleigh; John Hunter Houser, Gastonia; Laura Kennedy, Raleigh; Wylie Raymond Kuhn, Advance; Alexandra Kyerematen, Raleigh; Victoria Kyerematen, Raleigh; David Clayton Miller, Laurinburg; Anna Lee Paschal, Raleigh; Brittany Lee Pence, Middlesex; and Camaron M. Peters, Gastonia.

February 28, 2005

Upon motion of Senator Basnight, seconded by Senator Atwater and Senator Kerr, the Senate adjourns subject to receipt of messages from the House of Representatives and introduction of bills, to meet tomorrow, Tuesday, March 1, at 3:30 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 361 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. CARTER G. WOODSON IN HONOR OF BLACK HISTORY MONTH.

The joint resolution is placed on the Calendar for Tuesday, March 1.

WITHDRAWAL FROM CLERK'S OFFICE

H.J.R. 100 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PAUL P. HARRIS AND THE FOUNDERS OF ROTARY INTERNATIONAL ON THE ORGANIZATION'S ONE HUNDREDTH ANNIVERSARY, ordered held in the Office of the Principal Clerk on February 24, pending referral to committee.

The joint resolution is placed on the Calendar for tomorrow, Tuesday, March 1.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Lucas; and Swindell:

S.R. 220, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

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

By Senators Brock; Allran and Hunt:

S.B. 221, A BILL TO BE ENTITLED AN ACT PROHIBITING COMPUTER GAME PROGRAMS ON STATE GOVERNMENT COMPUTERS.

Referred to the **State & Local Government Committee**.

By Senator Weinstein:

S.B. 222, 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**.

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By Senators Kinnaird, Allran; Apodaca, Atwater, Berger of Franklin, Bingham, Blake, Brock, Brown, Cowell, Dalton, Dorsett, East, Forrester, Garwood, Goodall, Graham, Hagan, Horton, Hoyle, Jacumin, Jenkins, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein:

S.B. 223, A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT ALL VOTING SYSTEMS PERMIT ALL VOTERS TO VERIFY THEIR VOTES ON PAPER; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY PROVIDING CHECKS ON ELECTRONIC VOTING SYSTEM VENDORS, INCLUDING MULTIPARTY REVIEW OF SOURCE CODE, BY AUTHORIZING THE STATE BOARD OF ELECTIONS TO PROMOTE UNIFORMITY IN VOTING SYSTEMS BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, BY EMPOWERING THE STATE BOARD OF ELECTIONS TO CONTROL THE TESTING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; BY APPROPRIATING STATE FUNDS FOR VOTING SYSTEM ACQUISITION TO PREVENT IMPOSING UNFUNDED MANDATES UPON COUNTIES; AND BY APPROPRIATING FUNDS TO THE STATE BOARD OF ELECTIONS TO IMPLEMENT ITS EXPANDED DUTIES WITH REGARD TO VOTING SYSTEMS.

Referred to the **Judiciary I Committee**.

By Senators Allran, Kinnaird; Berger of Franklin, Bingham, Blake, Boseman, Brock, Brown, Dorsett, East, Goodall, Hagan, Holloman, Horton, Hoyle, Hunt, Jacumin, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein:

S.B. 224, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BOARDS OF ELECTIONS TO ALLOW KNOWN VOTERS WHOSE VOTES WERE LOST TO RECAST THEIR BALLOTS DURING A TWO-WEEK PERIOD AFTER THE ELECTION, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird, Allran; Apodaca, Atwater, Bingham, Blake, Boseman, Dalton, Dorsett, East, Forrester, Garwood, Goodall, Hagan, Holloman, Hoyle, Jenkins, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Thomas, Tillman and Weinstein:

S.B. 225, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE THROUGH ELECTION DAY AS THE PREDOMINANT VOTING METHOD, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS.

Referred to the **Judiciary I Committee**.

By Senators Allran, Kinnaird; Apodaca, Atwater, Bingham, Blake, Boseman, Brock, Brown, Dalton, Dorsett, East, Forrester, Garwood, Goodall, Graham, Hagan, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein:

S.B. 226, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird, Allran; Atwater, Berger of Franklin, Bingham, Dalton, Dorsett, East, Goodall, Hagan, Holloman, Jenkins, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Swindell and Thomas:

S.B. 227, A BILL TO BE ENTITLED AN ACT TO ALLOW LEAVE TO PUBLIC EMPLOYEES FOR WORKING AS PRECINCT OFFICIALS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS.

Referred to the **Judiciary I Committee**.

By Senators Swindell; and Bingham:

S.B. 228, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR A STUDY OF THE LICENSING OF PROPRIETARY SCHOOLS.

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

By Senators Swindell; Bingham, Holloman, Jenkins, Kerr, Kinnaird, Snow, Soles and Thomas:

S.B. 229, A BILL TO BE ENTITLED AN ACT TO ALLOW A DISTRICT COURT JUDGE WHO REACHES THE MANDATORY RETIREMENT AGE TO CONTINUE IN OFFICE UNTIL THE EXPIRATION OF THE JUDGE'S TERM.

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

By Senator Albertson:

S.B. 230, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DUPLIN.

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

By Senator Albertson:

S.B. 231, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DUPLIN.

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

By Senator Albertson:

S.B. 232, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF LENOIR.

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

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By Senator Albertson:

S.B. 233, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF LENOIR.

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

By Senator Albertson:

S.B. 234, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SAMPSON.

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

By Senator Albertson:

S.B. 235, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SAMPSON.

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

By Senator Presnell:

S.B. 236, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senator Presnell:

S.B. 237, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senator Presnell:

S.B. 238, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senator Presnell:

S.B. 239, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senator Presnell:

S.B. 240, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senator Presnell:

S.B. 241, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senators Hartsell; and Bingham:

S.B. 242, 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**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:48 P.M.

TWENTIETH DAY

Senate Chamber
Tuesday, March 1, 2005

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

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

"Dear God, some days we live by going through the motions. We look busy. We haven't a moment to spare. But the reality is that we're like a person with a bad head cold. We have lost our sense of taste and smell for what is going on around us.

"If today is one of those days when we seem to view life with glazed eyes, let us rest in Your presence for those few moments and then proceed with clarity and renewed energy. For Your sake we pray, Amen."

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

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, February 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 Pro Tempore of the Senate extends privileges of the floor to Dr. John P. Ebert from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day.

CALENDAR

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

S.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO

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REQUIRE APPLICANTS TO SUBMIT EVIDENCE OF CONTINUING COMPETENCY UPON LICENSE RENEWAL OR REINSTATEMENT.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.J.R. 100 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PAUL P. HARRIS AND THE FOUNDERS OF ROTARY INTERNATIONAL ON THE ORGANIZATION'S ONE HUNDREDTH ANNIVERSARY.

The joint resolution passes its second reading (49-0) and third reading with members standing, and is ordered enrolled.

H.J.R. 361 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. CARTER G. WOODSON IN HONOR OF BLACK HISTORY MONTH.

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

The joint resolution passes its second reading (49-0) and third reading with members standing, and is ordered enrolled.

S.B. 82 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, for concurrence in the House Committee Substitute.

Upon motion of Senator Clodfelter, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, March 2, for concurrence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 375 (Committee Substitute), A JOINT RESOLUTION HONORING NORTH CAROLINA'S GREAT NASCAR LEGENDS RALPH DALE EARNHARDT, SR., RALPH LEE EARNHARDT, LEE PETTY, ADAM KYLER PETTY, JULIUS TIMOTHY "TIM" FLOCK AND HIS COMPANION JOCKO FLOCKO, EDWIN KEITH "BANJO" MATTHEWS, CURTIS MORTON TURNER, EDWARD GLENN "FIREBALL" ROBERTS, ELZIE WYLIE "BUCK" BAKER, SR., AND AFRICAN-AMERICAN RACING PIONEER WENDELL OLIVER SCOTT, AND ENCOURAGING NASCAR TO SELECT NORTH CAROLINA AS THE LOCATION FOR ITS HALL OF FAME.

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

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CALENDAR *(continued)*

H.J.R. 375 (Committee Substitute), A JOINT RESOLUTION HONORING NORTH CAROLINA'S GREAT NASCAR LEGENDS RALPH DALE EARNHARDT, SR., RALPH LEE EARNHARDT, LEE PETTY, ADAM KYLER PETTY, JULIUS TIMOTHY "TIM" FLOCK AND HIS COMPANION JOCKO FLOCKO, EDWIN KEITH "BANJO" MATTHEWS, CURTIS MORTON TURNER, EDWARD GLENN "FIREBALL" ROBERTS, ELZIE WYLIE "BUCK" BAKER, SR., AND AFRICAN-AMERICAN RACING PIONEER WENDELL OLIVER SCOTT, AND ENCOURAGING NASCAR TO SELECT NORTH CAROLINA AS THE LOCATION FOR ITS HALL OF FAME.

With unanimous consent, upon motion of Senator Hartsell, the privileges of the floor are extended to guests of the NASCAR community: Benny Parsons; Bobby Allison and his wife, Judy; Junior Johnson and his wife, Lisa; Wendell Scott, Jr. and Sybil Scott, children of African-American racing pioneer Wendell Scott; Sam Belnavis; Dr. Thurmon Exum; and Ed McLean.

Senator Nesbitt, Chair; Senator Apodaca; Senator Dalton; Senator Dannelly; Senator Hagan and Senator Hartsell are appointed to escort the guests to the Well of the Senate.

Upon motion of Senator Rand, 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 Nesbitt:

"Thank you, Mr. President. I present to you some of the legends of NASCAR."

Senator Rand:

"Mr. President, if I could I'd like to introduce some of these wonderful gentlemen and say a little something about them. The first one I'd like to introduce is the 1973 Winston Cup Champion, the 1975 winner of the Daytona 500, and the 1996 ESPY Emmy Award Winner. He was named one of the fifty greatest drivers in NASCAR History in 1998 and was the first driver to qualify a stock car at over 200 miles an hour. I think that was at Talladega, wasn't it? Born in Wilkes County, North Carolina, he retired from competition in 1988 and is currently an announcer and color commentator for NBC and TNT. It's my pleasure to introduce to you Benny Parsons."

"The next individual I'd like to introduce to you, Mr. Chairman, ladies and gentlemen of the Senate, is a gentleman whose racing career spans almost three decades. He was chosen the most popular driver from NASCAR's Winston Cup division in 1971, 1972, 1973, and 1974 – a pretty good run. In 1983, he was the Winston Cup Champion and received NASCAR's Award of Excellence in 1988. A three-time winner of the Daytona 500, he won it in 1978, 1982, and 1988. His career as a driver ended in 1988 when he had a serious accident. He's the father of Clifford and Davie. We are pleased to have with us today Bobby Allison and his wife, Judy."

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“The next individual I want to introduce to you is truly a legend in the sport of stock car racing in North Carolina. He drafted his way through the field to win the Daytona 500 in 1960. He later became a car owner and drivers like Curtis Turner, Bobby Allison, Cale Yarborough, and Darryl Waltrip were some of the drivers who drove for him. As a car owner, he went to victory lane 140 times. He was influential in the beginning of sponsors for racing as we know it today. The two-way radio system used by drivers and crews in communicating during the races is one of the things he pioneered. It’s a great pleasure to have with us today Junior Johnson and his wife, Lisa.”

“The next gentleman I’d like to talk about, I think it’s particularly fitting in that we’ve just finished Black History Month in the United States and he was truly a pioneer. Wendell Oliver Scott was an African-American racing pioneer. He is the only African American to win a race in the top series of the sport, the Grand National Circuit, later named the Winston Cup Series. It’s currently the Nextel Cup Series. The legacy of Wendell Scott has not been forgotten in the NASCAR community and we are delighted today to have his son and daughter, Wendell Scott, Jr. and his daughter, Sybil Scott, the children of this African-American pioneer in NASCAR racing.”

“We also have with us Sam Belnavis, the first African-American team owner to run a full Nextel Cup schedule and the Chief Diversity Officer for Roush Racing. And we are particularly pleased to have Dr. Thurmond Exum, the Director of Motorsports at North Carolina A & T State University.”

Senator Rand:

“Mr. President, ladies and gentlemen of the Senate, the first race I guess I think I ever saw was in Wake County. There was a speedway up north here somewhere. It was three-quarters of a mile, I think, and I remember that Tim and Fonty Flock were there driving those big Chrysler 300’s, the white ones that Kiekhaefer, I think Kiekhaefer was a Mercury outboard motor man and he sponsored that team, and Herb Thomas was there driving a Buick. I didn’t know a bit more about it than I did about nuclear physics, but it was one of the most exciting things I ever saw in my life. I told some of you about Jocko Flocko. Tim Flock had a monkey that had a racing suit – rode with him, I think, sometimes, didn’t he? It was truly amazing. It was just absolutely wonderful and later when I went to Fayetteville, I had the opportunity and the great pleasure there to represent the Dodge dealer. It was ‘Royal Dodge, give the king a ring.’ He sponsored a car through Ray Fox. Buddy Baker drove it and I went with him – he paid for everything, of course, but I had the best time you ever saw in your life. We went to most all the races everywhere. I was an industrial observer at NASCAR. I joined that way because that way I could go down to the pits to see what ya’ll were up to! It was a grand and glorious time. NASCAR is particularly, I think, rooted in North Carolina. The things that make North Carolina so great and make it so wonderful for all of us, I think is exemplified by these men you see before you and those others named in this

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resolution today because it's a strong feeling of individuality. They are out there on their own doing the things that just give us all such a great feeling and it is wonderful entertainment now to the entire United States. We've been fortunate to have these gentlemen and those that have gone before them that are not here with us today to cheer for and to really be almost a part of our families now for a long, long time. It's meant a great deal to so many of us and it's meant so much to our State and now to our Nation and I'm delighted that you have come today so that we might recognize you and recognize the contribution that you have made to our State and to just the whole fabric of what makes North Carolina wonderful. So I would ask each of you to vote for the resolution so that we might honor these men that have done so much to make this sport what it is and they provided so much entertainment for so many people over this period of time. Thank you, Mr. President."

Senator Dannelly:

"Thank you, Mr. President, we all know what NASCAR has meant to the Carolinas, particularly North Carolina. This being the first day after Black History Month, I want to certainly expand a little bit on Wendell Oliver Scott's life, just a little bit. There was a lot behind this man. Wendell Scott was from Danville, Virginia, just over the North Carolina state line. Now, as indicated in the resolution, he was the only African American to win the Grand National race event December 1, 1963, in Jacksonville, Florida. Now forty-two years later, in this day and time no other black has won a NASCAR Grand National event. Now here's the funny thing about it. Wendell Scott wanted to be a racecar driver. Can you imagine, ladies and gentlemen, way back then that is what he set out to do and did. Now during that time, the ruler of the South was really the Klu Klux Klan (KKK). But it seems he graduated from being a cab driver, a taxicab driver, and I used to drive cabs not back then, but I used to drive cabs, but he graduated from that to running moonshine. Apparently the KKK didn't bother people who were running moonshine, but I don't know. But at any rate, he won that race by two laps, I read, over Buck Baker. But NASCAR waved the checkered flag when Buck came over the line later on and, of course, they awarded Buck the trophy. Now, I read that hours later NASCAR officials told Scott he really won that race and they gave him a trophy a month later at Savannah. Now, the trophy they gave him is off-brown. I'm told it was really a pathetic excuse for a trophy. It's off-brown, hardly more than a stick of wood covered with a little varnish, no brass nameplate, nothing to reveal its history or its origin, but it sits among many gold trophies and silver bowls in Scott's home. It is the centerpiece of his stock car racing career. When he died December 22, 1990, many of the well-known NASCAR drivers attended his funeral to show their respect for a man that gave not one inch in his desire to become a race driver. Later, he was elected to the International Motorsports Hall of Fame in Talladega, Alabama. Wendell Scott made it in NASCAR racing without the money or the resources and with all the odds, the many odds stacked against him during that time. NASCAR is very important nowadays in diversity and since we are in the running for the museum, I think it is only fitting that the decision-makers know that in the Carolinas we are working on diversity very hard. You

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just met Sam Belnavis, a co-owner of a team. Well, to develop more Wendell Oliver Scotts, we have Chris Bristol who is with Joe Gibbs Racing. There is Joel Henderson III with Dodge Weekly Racing Series in Tennessee. There is Tommy Lamb of Irvingham Motorsports and fifteen year-old Chase Austin with Hendrick Motorsports. Ladies and gentlemen, with that, if you know anybody on the decision-making team for the museum, let them know that North Carolina is the place to place that museum. I recommend the resolution to you.”

Senator Clodfelter:

“As all of you know from looking at the history of the pioneers named in this resolution, NASCAR is not only an exciting sport as Senator Rand said, but it is also sometimes a very dangerous sport. I want to say that these pioneers who are named in the resolution, their successors and their contemporaries today that carry on their proud tradition and also undertake the risk that they undertook in their careers, I want to ask that we remember in voting for this resolution that 2004 was a particularly difficult year for one of NASCAR’s current leading families. It was the year that saw the death of Papa Joe Hendrick and the tragic loss of John Hendrick, his daughters, Ricky Hendrick and several members and employees of Hendrick Motorsports. So as we remember these pioneers who are before us today and celebrate their achievements, I ask that on voting for the resolution we also remember with special thoughts the members of the Hendrick family.”

Senator Hartsell:

“Thank you, Mr. President, members of the Senate, I’ve used this quotation on a number of occasions in the past, but I think it is most fitting today. Thomas Jefferson said a long time ago that each generation owes to the next those opportunities and possibilities for life at least as great as those passed to it by his own parents. We have before us today those who represent an industry that began here, that is homegrown, that grew and flourished because of the folks we have here today. We thank you for that. We thank you from the bottom of our hearts because that is an industry that we hope will stay here. I recall as a young man, and I’m from Cabarrus County and, folks, I’m familiar with the Charlotte Motor Speedway. We had Senator Basnight in our neck of the woods not too long ago. We had a meeting to deal with, hopefully to deal with the race and those kinds of things. Thirty years ago, you would never have thought that this would be the industry that it is today. There is no way. It is entertainment, but it is sport. It has a lot of learning associated with it and we see a future now that arises from what you have done because we have people who are interested in developing themselves. It will be with us for a long time. The safety side, the research and development – and all of that is owed to you and we thank you for it. We thank you for the future of this industry, of the people who are associated with it. As a kid, I was a fan of Fireball Roberts. Some of you probably knew him. I didn’t know who the man was, I just remembered the name. It was really neat. It served as an inspiration just because of the name. We have some real fireballs here and there are many more in this State who will arise because of what you’ve done and we thank you.”

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Senator Basnight:

“Members of the Senate and NASCAR family, I guess the beginning of racing, to some extent, did start in the mountains of Carolina when you wanted to transport a very famous drink and share with your northern friends and from there it grew to what it is today. I remember my first race on the Outer Banks. It was around Jockey’s Ridge and the Midgett family seemed always to win and they had a number of them. There were cars with balloon tires, pumped up so that the rim was split and the rubber would expand and it wouldn’t get stopped, but they always did, and they raced hard and fast and always had a drink or two along the way, but it was a beautiful time enjoyed by all. Eventually, that stopped and we better understood that through regulation and safety in a sport that was pioneered by you and your friends, we have an industry that now in America is affecting in excess of forty million Americans. This is the very beginning of NASCAR in this State and it is incumbent upon this body and our counterpart on the other side of the hall to see in concert with many others that the NASCAR Hall of Fame is built in the great State of North Carolina.”

The joint resolution passes its second reading (47-0) and third reading with members standing, and is ordered enrolled.

The President *Pro Tempore* recognizes the Committee to escort the guests from the Chamber, who depart to a standing ovation.

Upon motion of Senator Rand, seconded by Senator Dannelly, the Senate adjourns subject to ratification of bills and introduction of bills, to meet tomorrow, Wednesday, March 2, at 3:30 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Snow:

S.B. 243, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT.

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

By Senator Snow:

S.B. 244, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT.

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

By Senator Snow:

S.B. 245, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT.

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

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By Senator Snow:

S.B. 246, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT.

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

By Senator Snow:

S.B. 247, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT.

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

By Senator Snow:

S.B. 248, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT.

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

By Senator Apodaca:

S.B. 249, A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH SENATORIAL DISTRICT.

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

By Senator Apodaca:

S.B. 250, A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH SENATORIAL DISTRICT.

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

By Senator Apodaca:

S.B. 251, A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH SENATORIAL DISTRICT.

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

By Senator Apodaca:

S.B. 252, A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH SENATORIAL DISTRICT.

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

By Senator Apodaca:

S.B. 253, A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH SENATORIAL DISTRICT.

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

By Senators Presnell; Allran, Apodaca, Blake, Brock, Brown, East, Goodall, Horton, Hunt, Jacumin, Pittenger, Snow and Stevens:

S.B. 254, A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY IN THE SCHOOL CALENDAR TO ACCOMMODATE EXTRAORDINARY CIRCUMSTANCES CAUSED BY HURRICANES FRANCES AND IVAN.

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

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By Senator Kerr:

S.B. 255, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL FINANCE LAWS.

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

By Senator Kerr:

S.B. 256, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL FINANCE LAWS.

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

By Senator Kerr:

S.B. 257, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL FINANCE LAWS.

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

By Senator Kerr:

S.B. 258, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

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

By Senator Kerr:

S.B. 259, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

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

By Senator Kerr:

S.B. 260, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

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

By Senator Rand:

S.B. 261, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2005-2006 FISCAL YEAR.

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

By Senator Rand:

S.B. 262, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Rand:

S.B. 263, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Rand:

S.B. 264, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

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

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By Senator Rand:

S.B. 265, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL LAWS OF THE 19TH SENATORIAL DISTRICT.

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

By Senators Purcell; Dannelly and Dorsett:

S.B. 266, 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. 267, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Purcell:

S.B. 268, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Purcell:

S.B. 269, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senators Stevens and Cowell:

S.B. 270, A BILL TO BE ENTITLED AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY.

Referred to the **Finance Committee**.

ENROLLED BILLS AND RESOLUTIONS

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

S.B. 133, A BILL TO BE ENTITLED AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL VOTING IN 2004; AND TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING.

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 6:09 P.M.

March 1, 2005

TWENTY-FIRST DAY

Senate Chamber
Wednesday, March 2, 2005

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 Holy Scripture the term 'stiff-necked' does not refer to an orthopedic malfunction.

"Stiff-necked people are stubborn folk who lack humility and resist Your leadership.

"Forgive us for the times we stubbornly refuse Your guidance. Give us humility. Jonathan said to King David, 'I will be next...after You.'

"The rarest people in Your orchestra, Dear Lord, are not stiff-necked at all. They are the saints who know how to play second violin. Amen."

The Chair grants leaves of absence for today to Senator Boseman and Senator Holloman.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, March 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 privileges of the floor to Dr. D. E. Ward, Jr. from Lumberton, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS AND RESOLUTIONS

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

S.J.R. 205, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FREDERICK DOUGLAS ALEXANDER, FORMER MEMBER OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF BLACK HISTORY MONTH. (Res. 9)

H.J.R. 100, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PAUL P. HARRIS AND THE FOUNDERS OF ROTARY INTERNATIONAL ON THE ORGANIZATION'S ONE HUNDREDTH ANNIVERSARY. (Res. 10)

H.J.R. 361, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. CARTER G. WOODSON IN HONOR OF BLACK HISTORY MONTH. (Res. 11)

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H.J.R. 375, A JOINT RESOLUTION HONORING NORTH CAROLINA'S GREAT NASCAR LEGENDS RALPH DALE EARNHARDT, SR., RALPH LEE EARNHARDT, LEE PETTY, ADAM KYLER PETTY, JULIUS TIMOTHY "TIM" FLOCK AND HIS COMPANION, JOCKO FLOCKO, EDWIN KEITH "BANJO" MATTHEWS, CURTIS MORTON TURNER, EDWARD GLENN "FIREBALL" ROBERTS, ELZIE WYLIE "BUCK" BAKER, SR., AND AFRICAN-AMERICAN RACING PIONEER WENDELL OLIVER SCOTT, AND ENCOURAGING NASCAR TO SELECT NORTH CAROLINA AS THE LOCATION FOR ITS HALL OF FAME. (Res. 12)

CHAPTERED BILLS

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

S.B. 133, AN ACT TO RESTATE AND RECONFIRM THE INTENT OF THE GENERAL ASSEMBLY WITH REGARD TO PROVISIONAL VOTING IN 2004; AND TO SEEK THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ON FUTURE ADMINISTRATION OF OUT-OF-PRECINCT PROVISIONAL VOTING. (Became law upon approval of the Governor, March 2, 2005 - S.L. 2005-2.)

RECOGNITION OF GUESTS

Upon motion of Senator Allran, the privileges of the floor are extended to The Stradivarian String Quartet from Hickory High School. The Quartet features Andrew McCallum and Michael Patrone, violins; Philip Kukla, viola; and Lyndsay Watson, cello. Senator Allran, Senator Forrester, Senator Garrou and Senator Garwood are appointed to escort the musicians to the Well of the Senate.

The Quartet performs two musical numbers for the members of the Senate.

The President recognizes the Committee to escort the guests from the Chamber, who depart to a standing ovation.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable Cecil Hargett, former Senator from Onslow County.

RECOGNITION OF GUESTS

The President extends privileges of the floor to Mr. Christopher Schram from Miami, Florida, Vice-President of Programs for the National Foundation for Advancement in the Arts, and also to two local high school students, Noah Putterman and Lucius Robinson. Senator Cowell, Senator Garrou, and Senator Horton are appointed to escort the guests to the Well of the Senate. Mr. Schram presents scholarship awards to Mr. Putterman and Mr. Robinson for being honored as finalists in the Presidential Scholars in the ARTS Program.

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The President recognizes the Committee to escort the guests from the Chamber, who depart to a standing ovation.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator East for the **State & Local Government Committee**:

S.B. 43, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE, with a favorable report.

CALENDAR

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

S.B. 9 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN BOARDS OF COUNTY COMMISSIONERS TO ISSUE ORDINANCES PERMITTING LIMITED HORSE RACING FOR ECONOMIC DEVELOPMENT PURPOSES.

Upon motion of Senator Weinstein, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

S.B. 82 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE.

Upon motion of Senator Clodfelter, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, March 3, for concurrence.

ADDITIONAL SPONSOR

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

S.B. 8, 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.

Upon motion of Senator Basnight, seconded by Senator Nesbitt, the Senate adjourns subject to reading an Executive Order and introduction of bills, to meet tomorrow, Thursday, March 3, at 11:00 A.M.

March 2, 2005

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 73: North Carolina Motorsports Advisory Council.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Boseman:

S.B. 271, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT.

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

By Senator Boseman:

S.B. 272, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT.

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

By Senator Boseman:

S.B. 273, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT.

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

By Senators Smith, Stevens; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Horton, Hunt, Jacumin, Pittenger, Presnell, Tillman and Webster:

S.B. 274, A BILL TO BE ENTITLED AN ACT TO IMPOSE CONSTITUTIONAL LIMITS ON THE GROWTH OF THE STATE BUDGET.

Referred to the **Ways & Means Committee.**

By Senator Goodall:

S.B. 275, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Goodall:

S.B. 276, A BILL TO BE ENTITLED AN ACT RELATING TO THE 35TH SENATORIAL DISTRICT.

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

By Senator Dalton:

S.B. 277, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF INSURANCE TO STUDY AND IMPLEMENT RULES FOR SELF-INSURERS TO ADDRESS THOSE ORGANIZATIONS EXEMPTED UNDER FEDERAL LAW.

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

March 2, 2005

By Senator Jacumin:

S.B. 278, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT.

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

By Senator Jacumin:

S.B. 279, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT.

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

By Senator Jacumin:

S.B. 280, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT.

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

By Senator Nesbitt:

S.B. 281, 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. 282, 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. 283, 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. 284, 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. 285, 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. 286, 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 Berger of Rockingham:

S.B. 287, A BILL TO BE ENTITLED AN ACT RELATING TO THE 26TH SENATORIAL DISTRICT.

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

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By Senator Berger of Rockingham:

S.B. 288, 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 of Rockingham:

S.B. 289, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.

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

By Senators Hoyle; Albertson, Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Dalton, East, Forrester, Garwood, Goodall, Hartsell, Holloman, Horton, Hunt, Jacumin, Malone, Nesbitt, Pittenger, Presnell, Purcell, Shaw, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein:

S.B. 290, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT.

Referred to the **Judiciary I Committee**.

By Senator Hoyle:

S.B. 291, A BILL TO BE ENTITLED AN ACT TO REPLACE THE SALES TAXES ON LIGHT CONSTRUCTION EQUIPMENT WITH AN EXCISE TAX.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 292, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT.

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

By Senator Hoyle:

S.B. 293, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT.

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

By Senator East:

S.B. 294, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK.

Referred to the **State & Local Government Committee**.

By Senator Garrou:

S.B. 295, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH.

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

By Senator Garrou:

S.B. 296, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH.

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

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By Senators Garrou; and Horton:

S.B. 297, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HISTORIC OAK GROVE SCHOOL IN FORSYTH COUNTY.

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

By Senators Garrou; and Horton:

S.B. 298, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RESTORE THE HISTORIC SINGLE SISTERS HOUSE ON THE CAMPUS OF SALEM ACADEMY AND COLLEGE.

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

By Senators Dalton and Swindell:

S.B. 299, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ESTABLISHMENT OF NONRESIDENTIAL SCIENCE AND MATHEMATICS HIGH SCHOOLS AS COOPERATIVE INNOVATIVE HIGH SCHOOLS AND APPROPRIATING FUNDS FOR THAT PURPOSE.

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

By Senators Albertson; Kerr, Purcell and Webster:

S.B. 300, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A VETERINARIAN WHO OPERATES A MOBILE FACILITY MAY ENTER INTO A WRITTEN AGREEMENT TO HAVE URINE TESTS PERFORMED BY ANOTHER FACILITY OR LABORATORY.

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

By Senator Hartsell:

S.B. 301, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MT. PLEASANT.

Referred to the **Finance Committee**.

By Senator Jenkins:

S.B. 302, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED FAILED DRUG AND ALCOHOL TEST, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE UNTIL SUCCESSFUL COMPLETION OF TREATMENT.

Referred to the **Judiciary I Committee**.

By Senator Cowell:

S.B. 303, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.

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

March 2, 2005

By Senator Cowell:

S.B. 304, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.

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

By Senator Shaw:

S.B. 305, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Shaw:

S.B. 306, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Shaw:

S.B. 307, 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.

Referred to the **Judiciary I Committee**.

By Senator Shaw:

S.B. 308, 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 Hagan; Dorsett, Rand and Snow:

S.B. 309, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC LIBRARIES.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:22 P.M.

TWENTY-SECOND DAY

Senate Chamber
Thursday, March 3, 2005

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, yesterday, the tables were turned temporarily as the Senators became the audience as six talented North Carolina high school students demonstrated their giftedness to us.

"I know that the teachers and parents were proud. We were proud of them. I hope the students recognized our appreciation.

"We thank You, O God, for the inspiration and motivation such an event offers to the members because the Senate works each day in behalf of these young people and others just like them from all over our State. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, March 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 privileges of the floor to Dr. Shirish Devasthali from Fayetteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Denise Phillips from Wilmington, 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. 43, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 82 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE.

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Upon motion of Senator Clodfelter, the Senate fails to concur in the House Committee Substitute bill (0-48).

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

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 82 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 82 earlier today and the motion by Senator Clodfelter to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair; Senator Rand; Senator Malone and Senator Tillman as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 213, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HAROLD LILLARD KENNEDY, JR. 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.

The joint resolution passes its second reading (45-0) and third reading with members standing, and is ordered enrolled.

The President extends the courtesies of the gallery to the family and friends of Harold Lillard Kennedy, Jr. Family members include: Attorney Annie Brown Kennedy, former Representative; Attorney Harold L. Kennedy III, son; Mr. Michael D. Kennedy, son; Attorney Harvey L. Kennedy, son; and Attorney Pat Kennedy, daughter-in-law. Other guests include Mrs. Joyce Hodge, Father Clifford Coles, Mrs. Marcia Coles, Mr. Michael Ward, Reverend Hal Hayek, and Dr. Virginia K. Newell.

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

March 3, 2005

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 398, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF COATS ON THE OCCASION OF THE TOWN'S 100TH ANNIVERSARY.

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.

The joint resolution passes its second reading (44-0) and third reading with members standing, and is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 453, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CIAA BASKETBALL TOURNAMENT WHILE OBSERVING THE TOURNAMENT'S SIXTIETH ANNIVERSARY.

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.

The joint resolution passes its second reading (45-0) and third reading with members standing, and is ordered enrolled.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns subject to receipt of messages from the House of Representatives and introduction of bills, to meet Monday, March 7, at 7:00 P.M.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 7, A BILL TO BE ENTITLED AN ACT TO EXTEND TO MAY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS.

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

INTRODUCTION OF BILLS AND RESOLUTIONS

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

March 3, 2005

By Senator Clodfelter:

S.B. 310, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE.

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

By Senator Clodfelter:

S.B. 311, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG.

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

By Senator Clodfelter:

S.B. 312, A BILL TO BE ENTITLED AN ACT RELATING TO THE CHARLOTTE-MECKLENBURG SCHOOL SYSTEM.

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

By Senator Clodfelter:

S.B. 313, A BILL TO BE ENTITLED AN ACT RELATING TO CHARLOTTE-MECKLENBURG TRANSPORTATION FUNDING OPTIONS.

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

By Senator Clodfelter:

S.B. 314, A BILL TO BE ENTITLED AN ACT RELATING TO CHARLOTTE TRANSIT OPERATIONS.

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

By Senator Clodfelter:

S.B. 315, A BILL TO BE ENTITLED AN ACT RELATING TO CHARLOTTE CULTURAL FACILITIES.

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

By Senators Clodfelter; Hoyle and Weinstein:

S.B. 316, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT A TEMPORARY ACT THAT PROVIDED THAT GASOLINE THAT MEETS FEDERAL REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE SHALL BE DEEMED TO COMPLY WITH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE.

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

By Senators Clodfelter; Atwater, Rand, Snow and Weinstein:

S.B. 317, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES.

Referred to the **Ways & Means Committee**.

By Senators Clodfelter; Atwater, Bingham, Hartsell, Stevens and Weinstein:

S.B. 318, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR REGIONAL INFRASTRUCTURE INVENTORIES TO PROMOTE ECONOMIC DEVELOPMENT, COMMUNITY DEVELOPMENT, AND

MORE EFFICIENT INFRASTRUCTURE INVESTMENTS IN REGIONS
ACROSS THE STATE.

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

By Senators Clodfelter; Berger of Rockingham, Dalton, Garrou, Hartsell, Rand, Swindell, Thomas and Weinstein:

S.B. 319, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND MAKING CONFORMING CHANGES TO THE WORKERS' COMPENSATION LAWS.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; Atwater, Rand and Weinstein:

S.B. 320, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF THE UNIFORM JUROR FEE AND TO DESIGNATE THE WAIVED FEES TO BE USED FOR SPECIFIED SERVICES.

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

By Senators Clodfelter; Atwater and Weinstein:

S.B. 321, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS REQUESTING TO BE EXCUSED FROM JURY DUTY ON ACCOUNT OF AGE TO REQUEST A PERMANENT EXEMPTION FROM THAT JURY SERVICE.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Bingham, Blake, Boseman, Brown, Cowell, Dannelly, Dorsett, Garwood, Goodall, Graham, Hartsell, Holloman, Jacumin, Jenkins, Lucas, Pittenger, Presnell, Purcell, Rand, Snow, Stevens, Swindell, Thomas, Tillman and Weinstein:

S.B. 322, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY IN GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION FOR LOCAL GOVERNMENT UNITS RATHER THAN A SALES AND USE TAX REFUND.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 323, A BILL TO BE ENTITLED AN ACT RELATING TO THE 26TH JUDICIAL DISTRICT.

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

By Senator Clodfelter:

S.B. 324, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT AND TO MAKE CONFORMING CHANGES TO THE OTHER ENTITY ACTS.

Referred to the **Judiciary I Committee**.

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By Senators Pittenger; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Horton, Hunt, Jacumin, Presnell, Shaw, Smith, Stevens, Tillman and Webster:

S.B. 325, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ZERO-BASED BUDGETING, EXCLUDING DIRECT SERVICES IN EDUCATION.

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

By Senators Bingham; Atwater, Brock, Brown, Clodfelter, Dannelly, Dorsett, Forrester, Garwood, Goodall, Hartsell, Holloman, Horton, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Presnell, Rand, Smith, Stevens and Tillman:

S.B. 326, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED REGISTERED NURSES TO RETURN TO EMPLOYMENT TEACHING AT COMMUNITY COLLEGES WITHOUT LOSING RETIREMENT BENEFITS.

Referred to the **Health Care Committee**.

By Senators Rand; Berger of Franklin, Boseman, Clodfelter, Hartsell, Horton, Kerr, Smith, Snow, Soles, Stevens and Thomas:

S.B. 327, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK.

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

By Senators Rand; Albertson, Allran, Atwater, Berger of Franklin, Boseman, Cowell, Dannelly, Garrou, Graham, Holloman, Kerr, Lucas, Malone, Purcell, Swindell and Thomas:

S.B. 328, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILDREN'S ADVOCACY CENTERS.

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

By Senators Rand; and Atwater:

S.B. 329, A BILL TO BE ENTITLED AN ACT TO APPOINT A MEMBER OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY LEADER OF THE SENATE.

Referred to the **State & Local Government Committee**.

By Senators Rand, Apodaca; Albertson, Allran, Atwater, Berger of Franklin, Bingham, Blake, Boseman, Brown, Dalton, East, Forrester, Garwood, Hartsell, Holloman, Hunt, Kinnaird, Malone, Pittenger, Stevens, Swindell and Tillman:

S.B. 330, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR THE NORTH CAROLINA HOUSING TRUST FUND.

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

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By Senators Dorsett; Bingham and Hagan:

S.B. 331, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE ELIOT HALL RESTORATION PROJECT AT PALMER MEMORIAL INSTITUTE.

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

By Senators Dorsett, Hagan; Berger of Rockingham and Bingham:

S.B. 332, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENSBORO TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

Referred to the **State & Local Government Committee**.

By Senators Swindell; Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Boseman, Cowell, Dalton, Dannelly, Garrou, Garwood, Hagan, Lucas, Malone, Presnell, Purcell, Rand, Shaw, Smith, Soles, Stevens, Thomas and Tillman:

S.B. 333, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY OF WHAT HIGH SCHOOL GRADUATES NEED TO KNOW IN A RAPIDLY CHANGING AND COMPLEX GLOBAL SOCIETY AND ECONOMY.

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

By Senators Swindell; and Atwater:

S.B. 334, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CENTER FOR INTERNATIONAL UNDERSTANDING FOR THE NORTH CAROLINA IN THE WORLD PROJECT.

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

By Senator Graham:

S.B. 335, A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH SENATORIAL DISTRICT.

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

By Senator Graham:

S.B. 336, A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH SENATORIAL DISTRICT.

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

By Senator Graham:

S.B. 337, A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH SENATORIAL DISTRICT.

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

By Senator Holloman:

S.B. 338, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF AHOSKIE.

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

By Senator Holloman:

S.B. 339, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF AHOSKIE.

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

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By Senator Holloman:

S.B. 340, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF WELDON.

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

By Senators Hoyle; and Atwater:

S.B. 341, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MODERN INVESTMENT PROGRAM FOR THE PRUDENT AND APPROPRIATE MANAGEMENT OF THE ESCHEAT FUND, FOR THE BENEFIT OF "NEEDY AND WORTHY" STUDENTS AS PROVIDED FOR IN THE STATE CONSTITUTION.

Referred to the **Finance Committee**.

By Senators Hoyle; and Atwater:

S.B. 342, A BILL TO BE ENTITLED AN ACT TO ALLOW A LOCAL SCHOOL ADMINISTRATIVE UNIT THAT OPERATES A CENTRAL KITCHEN TO ACQUIRE BY LEASE PURCHASE OR INSTALLMENT PURCHASE A WAREHOUSE FOR THE CENTRAL KITCHEN.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 343, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Hoyle:

S.B. 344, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senators Lucas; and Atwater:

S.B. 345, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE.

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

By Senators Holloman, Dannelly; Apodaca, Atwater, Berger of Franklin, Bingham, Cowell, Dorsett, Graham, Hartsell, Hoyle, Jenkins, Kinnaird, Lucas, Malone, Purcell, Shaw, Snow and Weinstein:

S.B. 346, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MANUFACTURED HOUSING BOARD; TO CREATE THE MANUFACTURED HOUSING RECOVERY FUND; TO PROVIDE BUYERS WITH INFORMATION REGARDING THE PRICE, FAIR MARKET VALUE AND SPECIFICATIONS OF MANUFACTURED HOMES; TO CLARIFY THE CONTRACT NEGOTIATION

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PROCESS AND EXTEND THE CANCELLATION PERIOD; TO REQUIRE MANUFACTURED HOME DEALERS TO ESTABLISH AND MAINTAIN ESCROW OR TRUST ACCOUNTS FOR BUYER DEPOSITS; AND TO INCREASE CERTAIN PENALTIES AND STANDARDS APPLICABLE TO THE MANUFACTURED HOME INDUSTRY.

Referred to the **Commerce Committee**.

By Senator Apodaca:

S.B. 347, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SOUTHERN APPALACHIAN SCIENCE AND TECHNOLOGY CENTER (SASTC) LOCATED IN POLK COUNTY.

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

By Senator Garwood:

S.B. 348, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON.

Referred to the **State & Local Government Committee**.

By Senator Garwood:

S.B. 349, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF BOONE.

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

By Senator Garwood:

S.B. 350, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE.

Referred to the **Finance Committee**.

By Senator Garwood:

S.B. 351, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WATAUGA.

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

By Senators Hoyle, Hartsell; and Atwater:

S.B. 352, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR REVITALIZATION OF HISTORIC MILL FACILITIES AND TO ALLOW TAX CREDITS FOR CERTAIN HISTORIC REHABILITATIONS TO BE TRANSFERRED TO LONG-TERM LESSEES.

Referred to the **Finance Committee**.

By Senators Clodfelter; and Snow:

S.B. 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SUPREME COURT WITH THE AUTHORITY TO REVISE THE RULES OF CIVIL AND CRIMINAL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY.

Referred to the **Judiciary I Committee**.

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By Senator Clodfelter:

S.B. 354, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR REGIONAL INFRASTRUCTURE INVENTORIES TO PROMOTE ECONOMIC DEVELOPMENT, COMMUNITY DEVELOPMENT, AND MORE EFFICIENT INFRASTRUCTURE INVESTMENTS IN REGIONS ACROSS THE STATE.

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

By Senators Jenkins; Allran and Atwater:

S.B. 355, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER PROPERTY ACQUIRED BY THE FEDERAL GOVERNMENT.

Referred to the **Judiciary I Committee**.

By Senators Hoyle and Hartsell:

S.B. 356, A BILL TO BE ENTITLED AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY PUMPER TRUCKS.

Referred to the **Finance Committee**.

By Senator Berger of Rockingham:

S.B. 357, 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 of Rockingham:

S.B. 358, 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 Nesbitt:

S.B. 359, 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. 360, 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. 361, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF BLACK MOUNTAIN.

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

By Senator Dalton:

S.B. 362, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE COST OF THE STATE-COUNTY SPECIAL ASSISTANCE PROGRAM IN CERTAIN COUNTIES CONDITIONED

UPON THE COUNTY MAINTAINING LOCAL FUNDING LEVELS FOR PUBLIC SCHOOL STUDENTS.

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

By Senator Snow:

S.B. 363, A BILL TO BE ENTITLED AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY.

Referred to the **Finance Committee**.

By Senators Dalton; Albertson, Atwater, Clodfelter, Kinnaird, Rand and Snow:

S.B. 364, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SMALL BUSINESSES THAT PROVIDE EMPLOYEE HEALTH INSURANCE AND TO MAKE TECHNICAL CORRECTIONS.

Referred to the **Finance Committee**.

By Senator Graham:

S.B. 365, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE.

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

By Senator Graham:

S.B. 366, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE.

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

By Senators Brown; and Atwater:

S.B. 367, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ONSLOW VIETNAM VETERANS MEMORIAL.

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

By Senator Berger of Franklin:

S.B. 368, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE FRANKLIN COUNTY BOARD OF EDUCATION FROM PARTISAN TO NONPARTISAN.

Referred to the **State & Local Government Committee**.

By Senator Berger of Franklin:

S.B. 369, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

By Senator Berger of Franklin:

S.B. 370, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

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By Senator Berger of Franklin:

S.B. 371, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

By Senator Berger of Franklin:

S.B. 372, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

By Senator Berger of Franklin:

S.B. 373, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

By Senator Berger of Franklin:

S.B. 374, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

By Senator Berger of Franklin:

S.B. 375, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:33 P.M.

TWENTY-THIRD DAY

Senate Chamber
Monday, March 7, 2005

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

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

"Dear God, we begin a new week in the Senate hoping to bring some important deliberations to their conclusions.

"One thing that will not be concluded, thankfully, is Your ongoing relationship with each of us. You are not done with us yet!

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"Someone has said the best sermons begin after the minister stops preaching. How we live each day will be a testimony to the truthfulness of that statement.

"Grant safe journey to the members as they travel to Bath tomorrow for their session and to celebrate this historic North Carolina town. In Your holy name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Berger of Rockingham, Senator Hartsell and Senator Thomas.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, March 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 Pro Tempore of the Senate extends privileges of the floor to Dr. Robert E. Littleton from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Baer from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

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

H.J.R. 213, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HAROLD LILLARD KENNEDY, JR. FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 13)

H.J.R. 398, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF COATS ON THE OCCASION OF THE TOWN'S 100TH ANNIVERSARY. (Res. 14)

H.J.R. 453, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CIAA BASKETBALL TOURNAMENT WHILE OBSERVING THE TOURNAMENT'S SIXTIETH ANNIVERSARY. (Res. 15)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 75, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON.

Referred to the **State & Local Government Committee**.

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H.B. 128, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS.

Referred to the **Judiciary I Committee**.

H.B. 320, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OF STATE-OWNED REAL PROPERTY ENCOMPASSING THE DOROTHEA DIX HOSPITAL CAMPUS WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY.

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

H.B. 345 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL SERVICES WITHIN THE DEPARTMENT'S JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES.

Referred to the **Judiciary II Committee**.

Upon motion of Senator Rand, the Rules are suspended and all bills filed on Monday, March 7, will be placed on the Calendar for Wednesday, March 9, for introduction.

SENATE PAGES

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

Hayley Nicole Black, Valdese; Wendy M. Blackwell, Zebulon; Elise Blum, Raeford; Julie Marie Bounous, Valdese; Hilary Lauren Brockett, Fayetteville; Courtney East, Elizabeth City; Crystal Nicole East, Elizabeth City; Jessica Harris, Newport; Jessica Holliday, Cary; Tianna Scriven, Hope Mills; Morgan Smith, Cary; DeLisa Washington, Clayton; and Brittany A. Willis, Hope Mills.

Upon motion of Senator Dannelly, seconded by Senator Blake, the Senate adjourns in memory of Mary Crain Morgan, mother of Speaker *Pro Tempore* Richard Morgan, subject to introduction of bills, to meet tomorrow, Tuesday, March 8, at 11:00 A.M. at Bath Elementary School in the Town of Bath.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Swindell:

S.B. 376, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WILSON.

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

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By Senator Swindell:

S.B. 377, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NASH.

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

By Senators Swindell; Albertson, Bingham, Dalton, Forrester, Garwood, Hagan, Lucas, Thomas, and Weinstein:

S.B. 378, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGES SYSTEM OFFICE TO INCREASE FUNDING FOR SMALL BUSINESS CENTERS.

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

By Senators Swindell; Albertson, Bingham, Dalton, Forrester, Garwood, Hagan, Lucas, and Weinstein:

S.B. 379, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGES SYSTEM OFFICE TO ESTABLISH AND IMPLEMENT THE CUSTOMIZED INDUSTRY TRAINING PROGRAM.

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

By Senators Swindell; Albertson, Bingham, Dalton, Forrester, Garwood, Hagan, Hartsell, Lucas, and Weinstein:

S.B. 380, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY COLLEGE EQUIPMENT.

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

By Senator Forrester:

S.B. 381, A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST SENATORIAL DISTRICT.

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

By Senators Rand and Berger of Rockingham; Apodaca, Bingham, Dorsett, Forrester, Garwood, Hartsell, Hoyle, Malone, Purcell, Stevens, and Webster:

S.B. 382, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, TO CLARIFY THE STATUS OF ACTING GOVERNOR, TO ALLOW FOR THE APPOINTMENT OF THE LIEUTENANT GOVERNOR WHEN A VACANCY OCCURS, AND TO PROVIDE THAT THE CANDIDATE FOR LIEUTENANT GOVERNOR IS CHOSEN BY THE GUBERNATORIAL NOMINEE.

Referred to the **Ways & Means Committee**.

By Senators Horton; Garrou:

S.B. 383, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND.

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

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By Senators Horton and Kinnaird:

S.B. 384, A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA ENERGY POLICY ACT OF 1975.

Referred to the **Commerce Committee**.

By Senators Purcell and Lucas; Albertson, Dannelly, Dorsett, and Malone:

S.B. 385, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR STRIKE OUT STROKE EDUCATION AND PUBLIC AWARENESS ACTIVITIES, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE.

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

By Senator Hartsell:

S.B. 386, 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. 387, 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 Soles:

S.B. 388, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS.

Referred to the **State & Local Government Committee**.

By Senators Snow and Presnell; Apodaca, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brown, Clodfelter, East, Forrester, Garwood, Goodall, Jacomin, Rand, Thomas, and Tillman:

S.B. 389, A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY FOR THOSE WHO PARTICIPATE IN AGRITOURISM ACTIVITIES.

Referred to the **Judiciary I Committee**.

By Senator Hoyle:

S.B. 390, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS.

Referred to the **Finance Committee**.

By Senator Lucas:

S.B. 391, A BILL TO BE ENTITLED AN ACT TO REQUIRE HOSPITALS TO REPORT HOSPITAL-ACQUIRED INFECTION INCIDENCE RATES.

Referred to the **Health Care Committee**.

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By Senators Cowell, Malone and Hunt:

S.B. 392, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO SELL PERSONAL UNIFORMS AND EQUIPMENT TO PUBLIC SAFETY EMPLOYEES UPON THE EMPLOYEES LEAVING THE CITY'S EMPLOYMENT.

Referred to the **State & Local Government Committee**.

By Senators Hoyle; Jenkins, Pittenger, Stevens, and Weinstein:

S.B. 393, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES.

Referred to the **Judiciary I Committee**.

By Senators Hoyle and Purcell; Apodaca, Berger of Rockingham, Clodfelter, Dalton, Forrester, Garrou, Garwood, Goodall, Jenkins, Malone, Pittenger, Smith, Snow, Stevens, and Weinstein:

S.B. 394, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE "NORTH CAROLINA ANESTHESIA PATIENT SAFETY AND ACCESS ACT" TO CONFIRM AND REITERATE THE STATUTORY REQUIREMENT OF PHYSICIAN SUPERVISION OF NURSE ANESTHETISTS AND TO AUTHORIZE THE LICENSURE AND REGULATION OF ANESTHESIOLOGIST ASSISTANTS.

Referred to the **Health Care Committee**.

By Senator Hoyle:

S.B. 395, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW PERTAINING TO GRANDPARENT VISITATION.

Referred to the **Judiciary I Committee**.

By Senator Hoyle:

S.B. 396, A BILL TO BE ENTITLED AN ACT ALLOWING COUNTIES TO MAKE CHANGES IN SERVICE DISTRICTS CREATED PURSUANT TO ARTICLE 16 OF CHAPTER 153A OF THE GENERAL STATUTES.

Referred to the **Finance Committee**.

By Senators Stevens and Rand; Allran, Apodaca, Bingham, Dalton, Forrester, Hartsell, Purcell, Shaw, and Tillman:

S.B. 397, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE.

Referred to the **Judiciary I Committee**.

By Senator Hagan:

S.B. 398, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

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

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By Senator Hagan:

S.B. 399, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

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

By Senator Hagan:

S.B. 400, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

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

By Senators Kinnaird; Atwater, Berger of Franklin, Bingham, Boseman, Brown, Cowell, Dorsett, Garwood, Graham, Hagan, Holloman, Jenkins, Lucas, Malone, Nesbitt, Shaw, and Stevens:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

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

By Senators Kinnaird and Horton; Cowell and Shaw:

S.B. 402, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GUARANTEED ENERGY SAVINGS CONTRACTS INCLUDE CONSERVATION MEASURES FOR WATER AND OTHER UTILITIES, TO RAISE THE CAP FOR GUARANTEED ENERGY SAVINGS CONTRACTS, TO EXPAND THE STATE'S ENERGY POLICY AND LIFE-CYCLE COST ANALYSIS TO INCLUDE THE CONSERVATION OF WATER AND OTHER UTILITIES, AND TO MAKE CONFORMING CHANGES.

Referred to the **Commerce Committee**.

By Senator Swindell:

S.B. 403, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF WILSON.

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

By Senator Swindell:

S.B. 404, 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 Senator Hartsell:

S.B. 405, A BILL TO BE ENTITLED AN ACT TO ESTABLISH WILDLIFE AND OTHER CONSERVATION LAND AS A SPECIAL CLASS OF PROPERTY SUBJECT TO PRESENT-USE VALUE AND TO MAKE OTHER CHANGES REGARDING PRESENT-USE VALUE.

Referred to the **Finance Committee**.

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By Senators Hartsell; Clodfelter:

S.B. 406, A BILL TO BE ENTITLED AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM.

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

By Senator Hartsell:

S.B. 407, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY.

Referred to the **Finance Committee**.

By Senators Bingham; Albertson, Apodaca, Berger of Rockingham, Blake, Brown, Cowell, East, Forrester, Garwood, Hagan, Jacumin, Jenkins, Kinnaird, Pittenger, Presnell, Smith and Stevens:

S.B. 408, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE.

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

By Senators Bingham; Apodaca, Berger of Rockingham, Blake, Brock, Brown, East, Forrester, Garwood, Hunt, Jacumin, Pittenger, Purcell, Smith, Stevens, Thomas and Tillman:

S.B. 409, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF COMMUNITY COLLEGES TO ESTABLISH PREREQUISITES FOR ITS NURSING PROGRAMS.

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

By Senator Webster:

S.B. 410, A BILL TO BE ENTITLED AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT.

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

By Senator Webster:

S.B. 411, A BILL TO BE ENTITLED AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT.

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

By Senator Webster:

S.B. 412, A BILL TO BE ENTITLED AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT.

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

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By Senators Shaw; Berger of Franklin, Blake, Boseman, Cowell, East, Hunt, Jacumin, Kinnaird, Malone, Pittenger, Smith, Stevens and Webster:

S.B. 413, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MID-EASTERN ATHLETIC CONFERENCE (MEAC) FOR SCHOLARSHIPS.

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

By Senator Boseman:

S.B. 414, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON.

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

By Senator Boseman:

S.B. 415, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON.

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

By Senator Boseman:

S.B. 416, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPE FEAR COMMUNITY COLLEGE.

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

By Senator Boseman:

S.B. 417, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING CAPE FEAR COMMUNITY COLLEGE.

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

By Senator Webster:

S.B. 418, A BILL TO BE ENTITLED AN ACT TO PROVIDE GOVERNMENTAL ACCOUNTABILITY AND PROTECTION TO THE TAXPAYERS BY LIMITING INCREASES IN THE GENERAL FUND BUDGET, REFORMING THE BUDGET PROCESS, ESTABLISHING AN EMERGENCY RESERVE TRUST FUND AND TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH A GENERAL FUND EXPENDITURE LIMIT.

Referred to the **Finance Committee**.

By Senators Berger of Rockingham; Allran, Apodaca, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Horton, Hunt, Jacumin, Pittenger, Presnell, Smith, Tillman and Webster:

S.B. 419, A BILL TO BE ENTITLED AN ACT TO PROVIDE INCREASED SECURITY FOR DRIVERS LICENSES.

Referred to the **Judiciary I Committee**.

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By Senator Berger of Rockingham:

S.B. 420, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA.

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

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 7:41 P.M.

TWENTY-FOURTH DAY

Bath Elementary School
Bath, North Carolina
Tuesday, March 8, 2005

Pursuant to S.J.R. 182, a joint resolution providing that the 2005 General Assembly shall meet in the Town of Bath in honor of the Tricentennial of the town, the Senate convenes at Bath Elementary School in the Town of Bath, North Carolina.

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

Prayer is offered by Father John C. Rivers, Supply Priest of the Episcopal Diocese of East Carolina, Bath, North Carolina, as follows:

"Almighty God, Creator of all that is pure and just and wise, send down Your grace on all who hold office in the State of North Carolina, the Governor, the General Assembly meeting in this commemorative session, and especially the members of the Senate. Give them the spirit of wisdom, charity and justice that with steadfast purpose they may faithfully serve in their offices to promote the well being of all the people.

"May they never lead this State wrongly through love of power, the desire only to please and not to challenge, or with unworthy ideals, but always love righteousness and truth and walk in the shadow of their Creator.

"Grant that the Senatorial members of this General Assembly may be bold and adventurous and open to the good that is new while honoring and respecting the works, traditions and accomplishments that began with the first such makers of laws here in Bathtown some 300 years ago.

"And we, Lord, who were Your instruments in the selection by the governed of those who govern give You thanks for just causes they have espoused and the worthy accomplishments they have achieved and will achieve in the future. It is because of the merits of our Lord and Savior we so boldly pray. Amen."

March 8, 2005

The Chair grants leaves of absence for today to Senator Berger of Rockingham, Senator Forrester, Senator Goodall, Senator Hartsell, Senator Horton, Senator Kinnaird, Senator Pittenger and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, March 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 privileges of the floor to Dr. Charles H. Duckett from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Ginny Williams from Washington, North Carolina, wife of Representative Arthur Williams, who is serving the Senate as Nurse of the Day.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 497, A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE TOWN OF BATH ON THE TOWN'S THREE HUNDREDTH ANNIVERSARY.

Upon motion of Senator Basnight, the rules are suspended and the joint resolution is placed on today's Calendar.

CALENDAR

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

H.J.R. 497, A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE TOWN OF BATH ON THE TOWN'S THREE HUNDREDTH ANNIVERSARY, placed earlier on today's Calendar.

The joint resolution passes its second reading (34-0) and third reading and is ordered enrolled.

PRESENTATION TO THE TOWN OF BATH

The President of the Senate, The Honorable Beverly E. Perdue, and Senator Basnight, President *Pro Tempore* present the Mayor of The Town of Bath, The Honorable Barbara Modlin, a commemorative framed copy of H.J.R. 497 on behalf of the General Assembly. They also present from the Senate a framed certificate honoring the town's 300th anniversary.

REMOVAL OF BILL CO-SPONSOR

Senator Garrou requests that she be removed as a sponsor of previously introduced legislation:

March 8, 2005

S.B. 427, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE LIEUTENANT GOVERNOR EX OFFICIO SECRETARY OF STATE.

Upon motion of Senator Basnight, seconded by Senator Garrou, the Senate adjourns at 12:02 P.M. to meet tomorrow, March 9, at 3:30 P.M.

TWENTY-FIFTH DAY

Senate Chamber
Wednesday, March 9, 2005

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

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

"Dear God, Your promise of faithfulness will be well-tried during this legislative session. We will test it time and again. Sometimes we will delight in Your faithfulness, but we confess that we will also distrust or even desert it at times.

"But our lack of faith can never do away with Your faithfulness. You keep coming to us. May these few moments of prayer at the beginning of each session remind us of Your continuing presence day after day after day. In gratitude we pray, Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, March 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Robert Harris from Durham, 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.

ENROLLED BILLS AND RESOLUTIONS

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

H.J.R. 497, A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE TOWN OF BATH ON THE TOWN'S THREE HUNDREDTH ANNIVERSARY. (Res. 16)

March 9, 2005

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
March 8, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 82**, A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, and requests conferees, Speaker Black appoints:

Representative Ross, Chair
Representative Culpepper
Representative Earle
Representative Michaux
Representative Holliman, and
Representative Nye

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

Respectfully,
S/Denise Weeks
Principal Clerk

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 82** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, submits for adoption the following report:

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

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 82, A BILL TO BE ENTITLED

March 9, 2005

AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, House Committee Substitute Favorable 2/23/05, Fifth Edition Engrossed 2/24/05, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute Favorable 2/23/05, Fifth Edition Engrossed 2/24/05, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 2/23/05, Fifth Edition Engrossed 2/24/05, and substitute the attached Proposed Conference Committee Substitute S82-PCCS35100-RU-3.

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

Date Conferees approved report: March 9, 2005

Conferees for the Senate

Conferees for the
House of Representatives

S/Senator Daniel G. Clodfelter, Chair
S/Senator Anthony E. Rand
S/Senator Vernon Malone
S/Senator Jerry Tillman

S/Representative Deborah K. Ross, Chair
S/Representative Bill Culpepper
S/Representative Beverly M. Earle
S/Representative Henry M. Michaux, Jr.
S/Representative L. Hugh Holliman
S/Representative Edd Nye

The text of the attached Proposed Conference Committee Substitute S82-PCCS35100-RU-3 is as follows:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE.

Whereas, Article II, Section 20 of the Constitution provides that each house shall be the judge of the qualifications and elections of its members; and

Whereas, the current statutory procedures for handling contested legislative elections were enacted in 1796, amended slightly in 1893, and are antiquated; and

Whereas, Article VI, Section 5 of the Constitution provides that a contested election for Governor, Lieutenant Governor, or other Council of State member shall be determined by joint ballot of both houses of the General Assembly in the manner prescribed by law; and

Whereas, the constitutional provision on contested executive branch elections was originally enacted in 1835, with the statutory implementing language enacted in 1836; and

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Whereas, at the time of their repeal in 1971, those statutory procedures merely referred to the antiquated procedure for contested legislative elections; and

Whereas, it is necessary to revise the antiquated legislative election contest procedure and enact an executive election contest procedure as required by the Constitution; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-10 reads as rewritten:

"§ 120-10. ~~Notice of contest.~~Contesting a seat.

~~No person shall be allowed to contest the seat of any member of the General Assembly unless he shall have given to the member 30 days' notice thereof in writing, prior to the meeting of the General Assembly, which must state the particular grounds of such contest. If the seat is contested on account of the reception of illegal votes, the notice must set forth the number of such votes, by whom given, and the supposed disqualifications; and if the same is contested on account of the rejection of legal votes, the notice must give the names of the persons whose votes were rejected. No evidence shall be admitted to show that the contestant received illegal votes, unless he shall also have been notified the same number of days, and in the same manner. The same notice of time and place required in taking depositions shall be required and proved on the investigation.~~

(a) Initiating a Contest. – A contest of the election of any member to the General Assembly may only be initiated by an unsuccessful candidate in the election, referred to hereafter as the contestant. In addition, if at the time of convening of the Regular Session of the General Assembly next after the election, no candidate has received a certificate of election for a particular seat or office, the contest may be initiated by any candidate in the election for that seat or office.

To initiate a contest, the contestant shall give written notice, in the manner provided in subsection (c) of this section, of the intent to contest the election. The written notice shall be provided to the person or persons apparently elected, hereinafter referred to as the contestee, and to the Principal Clerk of the house to which that person seeks election.

The notice of intent shall be provided no earlier than the date provided in G.S. 163-182.5 for the canvass by the board of elections with jurisdiction for the office under G.S. 163-182.4 and no later than the last of: (i) 30 days following the date of the election, (ii) 10 days after a certificate of election has been issued, or (iii) 10 days after the conclusion of the election protest procedure under Article 15A of Chapter 163 of the General Statutes. If none of those events has occurred at the time of the convening of the Regular Session of the General Assembly next after the election, a contestant may initiate a contest no later than 30 days after the convening of that session.

As used in this section, 'to contest' means to challenge the apparent election of a member of the General Assembly or to request the decision of an undecided election to a seat in the General Assembly, where the challenge or the request is

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filed in accordance with the timing and procedures of this section and states as grounds: (i) objections to the eligibility or qualifications of the contestee based on specific allegations, (ii) objections to the conduct or results of the election accompanied by specific allegations which, if proven true, would have a probable impact on the outcome of the election, or (iii) both. The grounds for the contest shall be stated in the notice of intent.

The notice shall state that an answer by the contestee must be filed with the clerk of the appropriate house within 10 days following service of the notice. The contestant shall sign and verify the notice by his oath or affirmation.

(b) Answering a Contest. – Within 10 days after service of the contestant's notice on the contestee, the contestee shall file with the clerk of the appropriate house a written answer. The contestee's answer shall admit or deny the allegations on which the contestant relies, or state that the contestee has no knowledge or information concerning an allegation which shall be deemed denial, and state any other defenses, in law or fact, on which the contestee relies. The contestee shall sign and verify his answer by his oath or affirmation.

(c) Filings. – The notice of intent to contest shall be filed by the contestant with the clerk of the appropriate house and copies thereof served by the contestant as provided under the Rules of Civil Procedure on each contestee. The answer, petition, and any reply and copies thereof shall be filed with the appropriate Principal Clerk, and copies shall be served on the opposing party or the opposing party's counsel, if any, in the manner prescribed by the Rules of Civil Procedure.

After service of the notice of intent, any party, after reasonable notice to the other party or parties, may take depositions to sustain or invalidate the election. The contestant shall complete the taking of depositions to submit with his petition at any time within 20 days following the date of the notice of intent to contest the election, and the contestee shall complete the taking of his depositions within 30 days following the date of the notice of intent to contest the election. By written stipulation of the parties, the testimony of any witness may be filed in the form of an affidavit by the witness within the same time limitations prescribed for the taking of depositions.

Subpoenas for witnesses shall be issued upon the application of either party or upon motion of the committee under the same procedures as under Article 5A of this Chapter and shall be enforced as provided under G.S. 120-19.4. Witnesses shall be entitled to the same allowances and privileges, and be subject to the same penalties, as witnesses summoned to attend the courts. Every deposition shall be taken before a person authorized by law to administer oaths, who shall certify and seal the deposition in the same manner as in judicial civil proceedings and file the same with the Principal Clerk of the appropriate house.

(d) Petitions. – A written petition shall be filed by the contestant with the Principal Clerk of the appropriate house within 40 days following the filing of the notice of intent to contest the election. The petition shall set forth the facts and arguments supporting the case of the contestant. The contestee may file a written reply to the petition within five days following its service on the contestee.

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No affidavit may be made a part of, or filed in support of, a petition or reply thereto unless the affidavit has previously been filed with the Principal Clerk of the appropriate house, pursuant to the written stipulation of the parties or their counsel, on or before the date established by subsection (c) of this section for the completion of the taking of depositions by the proponent of the affidavit.

(e) Referral to Committee. – The Principal Clerk shall refer the notice, answer, petition, reply, depositions, and affidavits to the Committee on Rules, which documents shall constitute part of the record in the contest. Unless another committee has been designated by the rules of the house to hear contest matters, the Committee on Rules shall hear the contest and conduct such investigation as has been directed by resolution of its house.

The committee handling the protest shall set a schedule for taking depositions and receiving affidavits. The committee may consider the contestant's and contestee's recommendations for the procedural schedule. The committee may hold hearings and may compel the attendance of witnesses and the production of documents in its inquiry. The committee may order the filing of briefs. The committee may order the recount of the ballots in the election.

The committee shall report its findings as to the law and the facts and make recommendations to the house for its action.

(f) Standards. – If the contest is as to the eligibility or qualifications of the contestee, the house shall determine if the contestee is eligible and qualified. If it determines that the contestee is not eligible or not qualified, it shall order a new election. If the contest is as to the conduct or results of the election, the house shall determine which candidate received the greatest number of votes. If it can determine which candidate received the greatest number of votes, it shall order that candidate seated. If it cannot determine which candidate received the greatest number of votes, it may order a new election, or may order such other relief as may be necessary and proper, except that if it determines that two or more candidates shall be equal and highest in votes, the provisions of G.S. 163-182.8 shall apply.

(g) New House to Hear. – The contest shall be heard and decided by the newly elected house.

(h) Bad Faith. – The prevailing party in any contest may in a civil action recover that party's costs of the legislative proceeding, upon a showing that the contestor filed, prosecuted, or maintained the contest in bad faith and without substantial justification.

(i) Applicability. – This section applies only to a general or special election and does not apply to the primary or any other part of the nominating process."

SECTION 2. G.S. 120-11 reads as rewritten:

"§ 120-11. Depositions taken; ~~penalty and privilege of witnesses.~~

~~Any person duly authorized to take depositions to be read before courts, may take depositions to be used ~~on~~ in the investigation, and may issue subpoenas for witnesses, which shall be executed by any officer authorized to execute process. investigation. And if any witness shall fail to appear and give his deposition according to the subpoena, he shall forfeit and pay to the party~~

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~~causing him to be summoned forty dollars (\$40.00).~~ And on such investigation no witness in this or in the case of any other contested election shall be excused from discovering whether he voted at such election, or his qualification to vote, except as to his conviction for any offense which would disqualify him. And if he was not a qualified voter, he shall be compelled to discover for whom he voted; but any witness making such discovery shall not be subject to criminal or penal prosecution for having voted at such election."

SECTION 3.(a) Article 15A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-182.13A. Contested elections for Executive Branch offices.

(a) Notice. – Except as provided by this section, in any election for any elective office established by Article III of the Constitution, notice of the intent to contest the election shall be filed with the Principal Clerk of the House of Representatives as if it were a contested election for the House of Representatives as prescribed in G.S. 120-10.

(b) Applicability. – The provisions of G.S. 120-10 and G.S. 120-11 shall apply to contested elections for any elective office established by Article III of the Constitution and shall govern standing, notice of intent to contest, answers, service of process, evidence, the petition, procedures, and relief except as provided in this section. All filings shall be with the Principal Clerk of the House of Representatives.

As used in this section, 'to contest' means to challenge the apparent election for any elective office established by Article III of the Constitution or to request the decision of an undecided election to any elective office established by Article III of the Constitution, where the challenge or the request is filed in accordance with the timing and procedures of this section and states as grounds: (i) objections to the eligibility or qualifications of the contestee based on specific allegations, (ii) objections to the conduct or results of the election accompanied by specific allegations which, if proven true, would have a probable impact on the outcome of the election, or (iii) both. The grounds for the contest shall be stated in the notice of intent.

(b1) New General Assembly to Hear. – When a contest arises out of the general election, the General Assembly elected at the same time shall hear and decide it.

(c) Jurisdiction of Select Committee. – The matter shall be heard before a select committee consisting of five Senators appointed by the President Pro Tempore and five Representatives appointed by the Speaker of the House of Representatives. Not more than three members of the Senate appointed by the President Pro Tempore shall be members of the same political party. Not more than three members of the House of Representatives appointed by the Speaker shall be members of the same political party. That committee shall have the same power as a committee under G.S. 120-10. The committee shall report its findings as to the law and the facts and make recommendations to the General Assembly for its action.

(d) Final Determination. – The final determination on the recommendations of the committee shall be made by the General Assembly,

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both houses sitting in joint session in the Hall of the House of Representatives, with the Speaker of the House of Representatives presiding. The vote shall be taken as provided by Article VI, Section 5 of the Constitution. In order to find for the contestant and order the contestant elected, the vote on the joint ballot must include the affirmative vote of a majority of the members of the General Assembly voting on the issue. The ballots shall be considered written ballots rather than secret ballots and are subject to the provisions of G.S. 143-318.13(b).

(d1) Standards. – If the contest is as to the eligibility or qualifications of the contestee, the General Assembly shall determine if the contestee is eligible and qualified. If it determines that the contestee is not eligible or not qualified, it shall order a new election. If the contest is as to the conduct or results of the election, the General Assembly shall determine which candidate received the greatest number of votes. If it can determine which candidate received the greatest number of votes, it shall order that candidate to be elected. If it cannot determine which candidate received the greatest number of votes, it may order a new election, or may order such other relief as may be necessary and proper, except that if it determines that two or more candidates shall be equal and highest in votes, the provisions of G.S. 147-4 shall apply.

(e) Filing of Determination. – A copy of the determination of the General Assembly under this section shall be filed with the Clerk of Superior Court of Wake County and with the State Board of Elections.

(f) Copies to Senate Principal Clerk. – The Principal Clerk of the House of Representatives shall make copies of any filings and transmit them to the Principal Clerk for the Senate.

(g) Applicability. – This section applies only to a general or special election and does not apply to the primary or any other part of the nominating process."

SECTION 3.(b) For any election in 2004, notice of the intent to contest the election shall be filed within 10 days of this act becoming law, notwithstanding the deadlines established under subsection (a) of this section. Any election contest petition received prior to this act becoming law may be amended, if necessary, to comply with the provisions of this act.

SECTION 4. G.S. 163-182.14 reads as rewritten:

"§ 163-182.14. Appeal of a final decision to superior court.

(a) Final Decision. – A copy of the final decision of the State Board of Elections on an election protest shall be served on the parties personally or by certified mail. A decision to order a new election is considered a final decision for purposes of seeking review of the decision.

(b) Timing of Right of Appeal. – Except in the case of a general or special election to either house of the General Assembly or to an office established by Article III of the Constitution, ~~an~~ aggrieved party has the right to appeal the final decision to the Superior Court of Wake County within 10 days of the date of service.

After the decision by the State Board of Elections has been served on the parties, the certification of nomination or election or the results of the referendum shall issue pursuant to G.S. 163-182.15 unless an appealing party

obtains a stay of the certification from the Superior Court of Wake County within 10 days after the date of service. The court shall not issue a stay of certification unless the petitioner shows the court that the petitioner has appealed the decision of the State Board of Elections, that the petitioner is an aggrieved party, and that the petitioner is likely to prevail in the appeal.

(c) Contests for General Assembly and Executive Branch Offices. – In the case of a general or special election to either house of the General Assembly or to an office established by Article III of the Constitution, an unsuccessful candidate has the right to appeal the final decision to the General Assembly in accordance with G.S. 120-10 and G.S. 163-182.13A, as appropriate.

After the decision by the State Board of Elections has been served on the parties, the certification of nomination or election shall issue pursuant to G.S. 163-182.15 unless a contest of the election is initiated pursuant to G.S. 120-10 or G.S. 163-182.13A, as appropriate. The decision of the General Assembly in determining the contest of the election pursuant to G.S. 163-182.13A, or the decision of one of its houses in determining a contest pursuant to G.S. 120-10, as appropriate, may not be reviewed by the General Court of Justice."

SECTION 5. G.S. 163-182.15 reads as rewritten:

"§ **163-182.15. Certificate of nomination or election, or certificate of the results of a referendum.**

(a) Issued by County Board of Elections. – In ballot items within the jurisdiction of the county board of elections, the county board shall issue a certificate of nomination or election, or a certificate of the results of the referendum, as appropriate. The certificate shall be issued by the county board six days after the completion of the canvass pursuant to G.S. 163-182.5, unless there is an election protest pending. If there is an election protest, the certificate of nomination or election or the certificate of the result of the referendum shall be issued in one of the following ways, as appropriate:

- (1) The certificate shall be issued five days after the protest is dismissed or denied by the county board of elections, unless that decision has been appealed to the State Board of Elections.
- (2) The certificate shall be issued 10 days after the final decision of the State Board, unless the State Board has ordered a new election or the issuance of the certificate is stayed by the Superior Court of Wake County pursuant to G.S. 163-182.14.
- (3) If the decision of the State Board has been appealed to the Superior Court of Wake County and the court has stayed the certification, the certificate shall be issued five days after the entry of a final order in the case in the Superior Court of Wake County, unless that court or an appellate court orders otherwise.
- (4) No certificate of election need be issued for any member of the General Assembly following a contest of the election pursuant to G.S. 120-10.

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(b) Issued by State Board of Elections. – In ballot items within the jurisdiction of the State Board of Elections, the State Board of Elections shall issue a certificate of nomination or election, or a certificate of the results of the referendum, as appropriate. The certificate shall be issued by the State Board six days after the completion of the canvass pursuant to G.S. 163-182.5, unless there is an election protest pending. If there is an election protest, the certificate of nomination or election or the certificate of the result of the referendum shall be issued in on of the following ways, as appropriate:

- (1) The certificate shall be issued 10 days after the final decision of the State Board on the election protest, unless the State Board has ordered a new election or the issuance of the certificate is stayed by the Superior Court of Wake County pursuant to G.S. 163-14.
- (2) If the decision of the State Board has been appealed to the Superior Court of Wake County and the court has stayed the certification, the certificate shall be issued five days after the entry of a final order in the case in the Superior Court of Wake County, unless that court or an appellate court orders otherwise.
- (3) The certificate shall be issued immediately upon the filing of a copy of the determination of the General Assembly with the State Board of Elections in contested elections involving any elective office established by Article III of the Constitution.
- (4) No certificate of election need be issued for any member of the General Assembly following a contest of the election pursuant to G.S. 120-10.

(c) Copy to Secretary of State. – The State Board of Elections shall provide to the Secretary of State a copy of each certificate of nomination or election, or certificate of the results of a referendum, issued by it. The Secretary shall keep the certificates in a form readily accessible and useful to the public."

SECTION 6. This act is effective when it becomes law.

The Conference Report is placed on the Calendar for tomorrow, March 10, for adoption.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Lucas for the **Education/Higher Education Committee:**

S.B. 171, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF STUDENT MOBILITY ON ACADEMIC PERFORMANCE, with a favorable report.

S.R. 220, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF

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GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, with an unfavorable report as to adoption of Senate Resolution, but favorable as to adoption of Committee Substitute Senate Resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute resolution 35105, is adopted and engrossed.

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

S.B. 109, A BILL TO BE ENTITLED AN ACT TO GRANT TO DEPLOYED MILITARY PERSONNEL AN EXTENSION OF TIME WITHIN WHICH TO RENEW A CONCEALED HANDGUN PERMIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85102, is adopted and engrossed.

ADDITIONAL SPONSOR

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

S.B. 113, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE SUPPLEMENTAL FUNDING FOR LOW-WEALTH SCHOOL SYSTEMS.

S.B. 364, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SMALL BUSINESSES THAT PROVIDE EMPLOYEE HEALTH INSURANCE AND TO MAKE TECHNICAL CORRECTIONS.

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

S.B. 378, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGES SYSTEM OFFICE TO INCREASE FUNDING FOR SMALL BUSINESS CENTERS.

S.B. 379, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGES SYSTEM OFFICE TO ESTABLISH AND IMPLEMENT THE CUSTOMIZED INDUSTRY TRAINING PROGRAM.

S.B. 380, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY COLLEGE EQUIPMENT.

S.B. 385, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR STRIKE OUT STROKE EDUCATION AND PUBLIC AWARENESS ACTIVITIES, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE.

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S.B. 408, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE.

Upon motion of Senator Dannelly, seconded by Senator Shaw, the Senate adjourns subject to introduction of bills, to meet tomorrow, Thursday, March 10, at 10:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Jacumin; Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Dalton, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Horton, Hoyle, Hunt, Pittenger, Presnell, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein:

S.B. 421, A BILL TO BE ENTITLED AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE SOLICITATION OF CONTRIBUTIONS.

Referred to the **Judiciary II Committee**.

By Senator Boseman:

S.B. 422, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE EQUITY FUNDING FOR THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON.

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

By Senators Boseman; and Soles:

S.B. 423, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE DESIGN AND CONSTRUCTION OF A FACILITY FOR THE SCHOOL OF NURSING AT THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON.

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

By Senators Boseman; and Atwater:

S.B. 424, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON MANAGING STATE PRESCRIPTION DRUG COSTS.

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

By Senators Stevens and Cowell:

S.B. 425, A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY.

Referred to the **Finance Committee**.

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By Senators Soles; and Atwater:

S.J.R. 426, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF HOWARD N. LEE TO THE UTILITIES COMMISSION.

Referred to the **Commerce Committee**.

By Senators Rand; Albertson, Cowell, Hoyle, Soles and Weinstein:

S.B. 427, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE LIEUTENANT GOVERNOR EX OFFICIO SECRETARY OF STATE.

Referred to the **Ways & Means Committee**.

By Senators Rand; Albertson, Apodaca, Atwater, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Garrou, Graham, Holloman, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Purcell, Snow, Soles, Swindell and Weinstein:

S.B. 428, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED LASER ILLUMINATION OF AN AIRCRAFT.

Referred to the **Judiciary I Committee**.

By Senators Rand; and Hoyle:

S.B. 429, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SHAG DANCING SPECIAL LICENSE PLATE.

Referred to the **Finance Committee**.

By Senators Kinnaird, Horton; Berger of Rockingham, Goodall and Hartsell:

S.B. 430, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION.

Referred to the **Ways & Means Committee**.

By Senator Atwater:

S.B. 431, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CHATHAM.

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

By Senator Atwater:

S.B. 432, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CHATHAM.

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

By Senator Atwater:

S.B. 433, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF LEE.

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

March 9, 2005

By Senator Atwater:

S.B. 434, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF LEE.

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

By Senator Atwater:

S.B. 435, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DURHAM.

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

By Senator Atwater:

S.B. 436, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DURHAM.

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

By Senator Atwater:

S.B. 437, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DURHAM.

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

By Senator Atwater:

S.B. 438, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE ALLOCATED AS A GRANT-IN-AID TO EL FUTURO, INC., A NONPROFIT ORGANIZATION, TO PROVIDE BEHAVIORAL HEALTH SERVICES AS A PILOT PROJECT IN ORANGE AND CHATHAM COUNTIES.

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

By Senator Garwood:

S.B. 439, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF SEVENTEEN.

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

By Senator Garwood:

S.B. 440, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALEXANDER COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX FOR CAPITAL OUTLAY PURPOSES.

Referred to the **Finance Committee**.

By Senator Garwood:

S.B. 441, A BILL TO BE ENTITLED AN ACT AUTHORIZING ASHE COUNTY TO USE WIND-POWERED ELECTRICITY GENERATION PROJECTS ON MOUNTAIN RIDGES.

Referred to the **Commerce Committee**.

By Senator Garwood:

S.B. 442, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF BLOWING ROCK TO ESTABLISH AN OFF-STREET PARKING FUND.

Referred to the **Finance Committee**.

By Senator Boseman:

S.B. 443, A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS.

Referred to the **Finance Committee**.

By Senator Boseman:

S.B. 444, A BILL TO BE ENTITLED AN ACT TO FUND THE TRUCK DRIVER TRAINING PROGRAM AT CAPE FEAR COMMUNITY COLLEGE ON THE SAME BASIS AS THE OTHER TRUCK DRIVER TRAINING PROGRAMS IN THE COMMUNITY COLLEGE SYSTEM.

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

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:56 P.M.

TWENTY-SIXTH DAY

Senate Chamber
Thursday, March 10, 2005

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:

"O Lord, when the big issues confronting us consume our energies and test our patience and endurance, remind us that our real worth is revealed in our attitude toward the small tasks for which we have been given responsibility.

"Today, let the test of our spiritual life and character be measured not by what we do in exceptional moments, but by what we do in the ordinary ones. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, March 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 privileges of the floor to Dr. Matthew Mullen from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Jennifer Spencer from Ivanhoe, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

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

March 10, 2005

S.B. 109 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT TO DEPLOYED MILITARY PERSONNEL AN EXTENSION OF TIME WITHIN WHICH TO RENEW A CONCEALED HANDGUN PERMIT.

The Committee Substitute bill passes its second (44-2) and third readings and is ordered sent to the House of Representatives.

S.B. 171, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF STUDENT MOBILITY ON ACADEMIC PERFORMANCE.

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

S.R. 220 (Committee Substitute), A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, for adoption.

Senator Stevens offers Amendment No. 1, which fails of adoption (20-28).

Upon motion of Senator Lucas, the Senate Resolution is adopted (28-20).

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

S.B. 45, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND DISABLED PERSONS AND TO APPROPRIATE FUNDS FOR THE SERVICE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35110, is adopted and engrossed.

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

CALENDAR *(continued)*

S.B. 82 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE, for adoption.

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

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (28-20).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

March 10, 2005

ADDITIONAL SPONSORS

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

S.B. 309, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC LIBRARIES.

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

S.B. 173, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA COURTS COMMISSION TO STUDY THE ORGANIZATION OF THE GENERAL COURT OF JUSTICE INTO DISTRICTS AND DIVISIONS.

S.B. 393, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES.

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

S.B. 309, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC LIBRARIES.

S.B. 364, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SMALL BUSINESSES THAT PROVIDE EMPLOYEE HEALTH INSURANCE AND TO MAKE TECHNICAL CORRECTIONS.

Upon motion of Senator Dannelly, seconded by Senator Nesbitt, the Senate adjourns subject to receipt of messages from the House of Representatives, ratification of bills, and introduction of bills, to meet Monday, March 14, at 7:00 P.M.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 41 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORD CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, AND TO MAKE OTHER CONFORMING CHANGES, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for Monday, March 14, for concurrence.

March 10, 2005

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Boseman:

S.B. 445, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS OF AT LEAST TEN PERCENT FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES.

Referred to the **Commerce Committee**.

By Senator Boseman:

S.B. 446, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REPLACE THE RESEARCH VESSEL DAN MOORE USED BY CAPE FEAR COMMUNITY COLLEGE FOR MARINE TECHNOLOGY PROGRAMS.

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

By Senator Thomas:

S.B. 447, 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. 448, 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 Purcell:

S.B. 449, A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN ANSON COUNTY.

Referred to the **State & Local Government Committee**.

By Senator Dalton:

S.B. 450, A BILL TO BE ENTITLED AN ACT TO ENABLE THE RUTHERFORD AIRPORT AUTHORITY TO LEASE PROPERTY FOR FIFTY YEARS.

Referred to the **Finance Committee**.

By Senator Weinstein:

S.B. 451, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE JEWISH HERITAGE FOUNDATION OF NORTH CAROLINA TO ASSIST THE ORGANIZATION IN PRODUCING A HERITAGE DOCUMENTARY.

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

March 10, 2005

By Senator Weinstein:

S.B. 452, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A TRAINING FACILITY TO PROVIDE TRAINING IN STRUCTURAL INSULATED PANELS ON THE CAMPUS OF ROBESON COMMUNITY COLLEGE.

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

By Senator Jacumin:

S.B. 453, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Jacumin:

S.B. 454, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senators Clodfelter; Dannelly, Graham and Pittenger:

S.B. 455, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A JUVENILE DETENTION CENTER IN MECKLENBURG COUNTY AND TO STUDY THE OPERATIONS OF, AND COSTS ASSOCIATED WITH, THE FOUR LOCAL JUVENILE DETENTION CENTERS.

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

By Senator Dorsett:

S.B. 456, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO BLACK CHILD DEVELOPMENT INSTITUTE OF GREENSBORO.

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

By Senator Atwater:

S.B. 457, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA VETERANS MEMORIAL IN THE TOWN OF BROADWAY.

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

By Senator Atwater:

S.B. 458, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LEE COUNTY TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES.

Referred to the **Finance Committee**.

By Senator Dalton:

S.B. 459, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INCORPORATED TOWN OF FOREST CITY TO BE AN EMPLOYER FOR PURPOSES OF COVERING ITS EMPLOYEES UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Select Committee on the NC State Employees' Disability Plan**.

March 10, 2005

By Senator Hartsell:

S.B. 460, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 461, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS.

Referred to the **Judiciary II Committee**.

By Senators Dannelly; and Graham:

S.B. 462, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING DURING A PILOT PROGRAM IN DESIGNATED CORRIDORS.

Referred to the **Judiciary II Committee**.

By Senators Dannelly; Clodfelter, Graham and Pittenger:

S.B. 463, A BILL TO BE ENTITLED AN ACT REPEALING THE SUNSET PROVISION OF S.L. 2000-65 RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE.

Referred to the **State & Local Government Committee**.

By Senator Soles:

S.B. 464, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE SUNSHINE TRANSITIONAL PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE.

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

By Senator Berger of Rockingham:

S.B. 465, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SERVICE AND FILING REQUIREMENTS OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

Referred to the **Judiciary I Committee**.

By Senator Berger of Rockingham:

S.B. 466, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF BURLINGTON, ALL AS REQUESTED BY THE TWO MUNICIPALITIES.

Referred to the **Finance Committee**.

March 10, 2005

By Senator Graham:

S.J.R. 467, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF CORNELIUS ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

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

By Senators Graham; Dannelly and Pittenger:

S.B. 468, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A MUNICIPAL CRIME LABORATORY.

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

By Senator Boseman:

S.B. 469, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NEW HANOVER.

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

By Senator Boseman:

S.B. 470, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NEW HANOVER.

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

By Senator Boseman:

S.B. 471, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NEW HANOVER.

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

By Senators Thomas; Apodaca, Atwater, Berger of Franklin, Boseman, Garwood, Graham, Kinnaird, Swindell and Weinstein:

S.B. 472, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS.

Referred to the **Judiciary II Committee**.

By Senator Brown:

S.B. 473, A BILL TO BE ENTITLED AN ACT TO ADD ONSLOW 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 Kerr and Jenkins:

S.B. 474, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

Referred to the **State & Local Government Committee**.

March 10, 2005

By Senators Kerr and Jenkins:

S.B. 475, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF GREENVILLE.

Referred to the **Finance Committee**.

By Senators Graham; and Dannelly:

S.B. 476, A BILL TO BE ENTITLED AN ACT REGULATING THE SALE OF KEGS CONTAINING MALT BEVERAGE.

Referred to the **Commerce Committee**.

By Senators Graham; Dannelly and Pittenger:

S.B. 477, A BILL TO BE ENTITLED AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES.

Referred to the **Judiciary II Committee**.

By Senators Dalton; and Atwater:

S.B. 478, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WAYS TO ASSIST SMALL BUSINESSES IN PROVIDING AFFORDABLE HEALTH CARE COVERAGE FOR THEIR EMPLOYEES.

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

By Senators Hoyle; Apodaca, Dannelly and Kerr:

S.B. 479, 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 Shaw:

S.B. 480, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CUMBERLAND COUNTY FOR COMMUNITY DEVELOPMENT PROJECTS.

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

By Senator Shaw:

S.B. 481, A BILL TO BE ENTITLED AN ACT TO AMEND THE OCCUPANCY TAX FOR CUMBERLAND COUNTY.

Referred to the **Finance Committee**.

By Senators Dorsett and Hagan:

S.B. 482, A BILL TO BE ENTITLED AN ACT TO EXEMPT LARGE INDOOR ARENAS WITH SEATING CAPACITIES GREATER THAN TWENTY-THREE THOUSAND FROM SMOKING REGULATIONS PROVIDED FOR IN ARTICLE 64 OF CHAPTER 143 OF THE GENERAL STATUTES.

Referred to the **Health Care Committee**.

March 10, 2005

By Senator Swindell:

S.B. 483, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SCIENCE MUSEUMS OF WILSON.

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

By Senators Swindell; Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Boseman, Clodfelter, Dalton, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Snow, Soles, Stevens, Thomas, Tillman and Weinstein:

S.B. 484, A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

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

By Senators Lucas; Atwater, Berger of Franklin, Cowell, Dannelly, Dorsett, Graham, Kinnaird and Malone:

S.B. 485, A BILL TO BE ENTITLED AN ACT TO HONOR THE MEMORY OF MATTHEW SHEPARD BY EXPANDING THE SCOPE OF THE HATE CRIME LAWS AND INCREASING THE CRIMINAL PENALTY FOR COMMITTING A HATE CRIME.

Referred to the **Judiciary II Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
March 10, 2005

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. 82** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE.

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. 82 earlier today, the President orders the bill enrolled and sent to the Governor by special message.

March 10, 2005

ENROLLED BILLS AND RESOLUTIONS

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

S.B. 82, AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 11:56 A.M.

TWENTY-SEVENTH DAY

Senate Chamber
Monday, March 14, 2005

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

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

"Gracious God, on this Monday at the beginning of a new week - before us is the gift of time. We may use that gift poorly or use it wisely. So often we calculate successful time management by the number of our completed tasks.

"Instead, incline our hearts and our souls and our minds to You, O Lord. Then our time will be measured not by what is accomplished but by the right actions that flow out of what we say and what we do. In your Holy Name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Bingham, Senator Clodfelter and Senator Smith.

PLEDGE OF ALLEGIANCE

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

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, March 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

March 14, 2005

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Bertram W. Coffey from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Janelle Greenwood from Hillsborough, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILLS

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

S.B. 82, AN ACT TO PROVIDE PROCEDURES FOR RESOLVING ELECTION CONTESTS FOR MEMBERS OF THE GENERAL ASSEMBLY AND COUNCIL OF STATE. (Became law upon approval of the Governor, March 10, 2005 - S.L. 2005-3.)

CALENDAR

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

S.B. 41 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORD CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, AND TO MAKE OTHER CONFORMING CHANGES, for concurrence in the House Committee Substitute.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

ADDITIONAL SPONSORS

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

S.B. 468, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A MUNICIPAL CRIME LABORATORY.

S.B. 476, A BILL TO BE ENTITLED AN ACT REGULATING THE SALE OF KEGS CONTAINING MALT BEVERAGE.

S.B. 477, A BILL TO BE ENTITLED AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES.

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

March 14, 2005

S.B. 328, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILDREN'S ADVOCACY CENTERS.

S.B. 472, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS.

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

S.B. 472, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS.

Upon motion of Senator Dannelly, seconded by Senator Webster, the Senate adjourns in memory of Junior Teague, former member of the House of Representatives, subject to receipt of messages from the House of Representatives and introduction of bills, to meet tomorrow, Tuesday, March 15, 2005, at 3:30 P.M.

TWENTY-EIGHTH DAY

Senate Chamber
Tuesday, March 15, 2005

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

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

"Gracious God, on many days there are concerned, thinking, enthusiastic citizens outside and inside the Legislative Building advocating a specific opinion or cause.

"Each group strongly believes their opinion to be right and truthful. Members of the Senate must attempt, as Holy Scripture says, to rightly divide the Word of Truth.

"When truth does not reside on either side of an issue, the world will let us know. But when truth resides on both sides of an issue, may examples of your justice and mercy offer the final word in the Senate's difficult deliberations. In gratitude we pray, Amen."

The Chair grants leaves of absence for today to Senator Clodfelter, Senator Graham and Senator Snow.

March 15, 2005

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, March 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 privileges of the floor to Dr. Gayle DiLalla from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Nas Nasralla from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

The Chair extends the courtesies of the gallery to Mrs. Mary Richardson, wife of former Senator James F. Richardson from Mecklenburg County.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

S.J.R. 426. A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF HOWARD N. LEE TO THE UTILITIES COMMISSION, with a favorable report.

SENATE PAGES

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

Anna Barbara Adams, Dunn; Laura Cherise Ayers, Rocky Mount; Corey Barnard, Raleigh; Austin Barnard, Raleigh; Robbie Anne Driver, Rocky Mount; Bethany Ann Eddy, Richfield; Jeremy John "JJ" Harris, Knightdale; Kevin Myers, Four Oaks; Claire Polk, Rocky Mount; Caitlin Sexton, Wendell; Joshua Sexton, Wendell; Keifer Wynn, Raleigh; Rooney Wynn, Raleigh; and John Calvin Young, Smithfield.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 130 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK AND CERTAIN PROPERTY TO JOHNSON & WALES UNIVERSITY, for concurrence in the House Committee Substitute.

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

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

March 15, 2005

ADDITIONAL SPONSOR

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

S.B. 472, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, and introduction of bills, to meet tomorrow, Wednesday, March 16, 2005, at 3:56 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Allran, Snow; Apodaca, Atwater, Berger of Franklin, Bingham, Cowell, Graham, Holloman, Jacumin, Nesbitt, Presnell, Rand and Webster:

S.B. 486, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES.

Referred to the **Judiciary II Committee**.

By Senators Hunt; Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brock, Brown, Cowell, Dalton, East, Forrester, Garwood, Goodall, Holloman, Hoyle, Jacumin, Lucas, Malone, Pittenger, Presnell, Rand, Smith, Stevens, Swindell, Thomas, Tillman and Weinstein:

S.B. 487, A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO REQUIRE THE DISPLAY OF THE UNITED STATES AND NORTH CAROLINA FLAGS AND TO REQUIRE THAT RECITATION OF THE PLEDGE OF ALLEGIANCE IS SCHEDULED ON A DAILY BASIS.

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

By Senators Dannelly; Berger of Franklin, Clodfelter, Dorsett, Goodall, Graham, Lucas, Malone and Pittenger:

S.B. 488, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR A CARETAKER TO EXPLOIT AN ELDER OR DISABLED ADULT IN ANY SETTING.

Referred to the **Judiciary II Committee**.

By Senators Cowell, Kerr; and Snow:

S.B. 489, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS TO

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CLARIFY CERTAIN DEFINITIONS UNDER THE NORTH CAROLINA COSMETIC ART ACT, TO APPROVE EXAMINATION FACILITIES, AND TO SET LIMITS FOR FAILED CANDIDATES SEEKING TO RETAKE AN EXAMINATION.

Referred to the **Health Care Committee**.

By Senators Shaw, Goodall; Apodaca, Berger of Rockingham, Bingham, Brock, East, Forrester, Horton, Hunt, Jacumin, Pittenger, Presnell and Stevens:

S.B. 490, A BILL TO BE ENTITLED AN ACT TO ENACT THE CHARTER SCHOOLS MANAGED GROWTH ACT.

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

By Senator Berger of Franklin:

S.B. 491, A BILL TO BE ENTITLED AN ACT RELATING TO BURIAL SERVICES AT STATE VETERANS CEMETERIES.

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

By Senator Hagan:

S.B. 492, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN BOTH CIVIL AND CRIMINAL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY.

Referred to the **Judiciary I Committee**.

By Senators Hagan; Berger of Rockingham and Dorsett:

S.B. 493, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A GUILFORD BATTLEGROUND COMPANY SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

By Senators Hoyle and Rand:

S.B. 494, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REGULATION OF TELECOMMUNICATIONS SERVICES TO REFLECT THE MODERN MARKET-BASED COMPETITIVE ENVIRONMENT AND TO PRESERVE UNIVERSAL ACCESS TO BASIC TELECOMMUNICATIONS SERVICES.

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

By Senator Garrou:

S.B. 495, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CENTER FOR DESIGN INNOVATION, A PARTNERSHIP BETWEEN THE NORTH CAROLINA SCHOOL OF THE ARTS AND WINSTON-SALEM STATE UNIVERSITY.

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

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By Senator Garrou:

S.B. 496, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF THE NORTH CAROLINA WRITING PROJECT.

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

By Senator Garrou:

S.B. 497, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROMOTE TRAVEL AND TOURISM IN FORSYTH COUNTY.

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

By Senators Purcell; Atwater, Dannelly, Malone, Rand and Snow:

S.B. 498, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AUTISM FOUNDATION OF NORTH CAROLINA, INC.

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

By Senators Purcell; Dannelly, Malone and Rand:

S.B. 499, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR INTERPRETER SERVICES IN LOCAL HEALTH DEPARTMENTS.

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

By Senators Purcell; Atwater, Dannelly, Malone, Rand and Snow:

S.B. 500, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AUTISM SOCIETY OF NORTH CAROLINA, INC.

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

By Senators Purcell; Atwater, Dannelly, Malone, Rand and Snow:

S.B. 501, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENABLE THE TEACCH PROGRAM TO PROVIDE SERVICES TO CHILDREN AND ADULTS WITH AUTISM AND OTHER COMMUNICATION HANDICAPS.

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

By Senators Purcell; Dorsett, Lucas and Malone:

S.B. 502, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES.

Referred to the **Health Care Committee**.

By Senators Purcell; Dorsett, Lucas and Malone:

S.B. 503, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF RURAL HEALTH, FOR RECRUITMENT ACTIVITIES.

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

By Senators Purcell; Dorsett, Lucas and Malone:

S.B. 504, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A PILOT PROGRAM TO PURCHASE AND PLACE

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AUTOMATED EXTERNAL DEFIBRILLATORS IN CERTAIN PUBLIC PLACES, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE.

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

By Senators Purcell; Dorsett, Lucas and Malone:

S.B. 505, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO LOCAL MEDICAL EXAMINERS FOR EACH INVESTIGATION CONDUCTED.

Referred to the **Finance Committee**.

By Senators Purcell; Dorsett and Malone:

S.B. 506, A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH PUBLIC LAW 107-260, THE BENIGN BRAIN TUMOR CANCER REGISTRIES AMENDMENT.

Referred to the **Health Care Committee**.

By Senators Dalton; Atwater, Boseman, Hoyle, Kinnaird, Purcell, Snow and Weinstein:

S.B. 507, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN OFFENSE COMMITTED AGAINST OR THAT PROXIMATELY CAUSES SERIOUS INJURY TO A SOCIAL WORKER IS AN AGGRAVATING FACTOR.

Referred to the **Judiciary II Committee**.

By Senators Dalton; Brown, Hartsell, Hoyle, Hunt, Swindell and Weinstein:

S.B. 508, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX THE INCREASE IN VALUE OF REAL PROPERTY HELD FOR SALE BY A BUILDER, TO THE EXTENT THE INCREASE ATTRIBUTABLE TO SUBDIVISION OR IMPROVEMENTS BY THE BUILDER.

Referred to the **Finance Committee**.

By Senator Jacumin:

S.B. 509, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF AN ALLIED HEALTH AND SCIENCE HIGHER EDUCATION CENTER ON THE CAMPUS OF WESTERN PIEDMONT COMMUNITY COLLEGE.

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

By Senator Jacumin:

S.B. 510, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT.

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

By Senators Kinnaird; Allran, Atwater, Berger of Franklin, Bingham, Blake, Boseman, Clodfelter, Cowell, Dorsett, Garrou, Graham, Hagan, Hartsell,

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Holloman, Hunt, Jenkins, Lucas, Malone, Purcell, Shaw, Soles, Stevens, Tillman and Weinstein:

S.B. 511, 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 **Finance Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter; Apodaca, Holloman, Jenkins, Malone and Tillman:

S.B. 512, A BILL TO BE ENTITLED AN ACT TO PRESERVE THE CORRIDOR RIGHTS OF ELECTRIC SUPPLIERS FROM EROSION DUE TO ANNEXATION OR INCORPORATION, TO CLARIFY THE RIGHTS OF PRIMARY AND SECONDARY SUPPLIERS OF ELECTRICITY TO SUPPLY ELECTRIC SERVICE WHEN THEIR DISTRIBUTION AND TRANSMISSION LINES ARE IN CLOSE PROXIMITY, TO PROHIBIT A CITY FROM CONDITIONING THE PROVISION OF WATER AND SEWER SERVICES TO VOLUNTARY ANNEXATION PETITIONERS UPON THE PETITIONERS AGREEING TO BE SUPPLIED WITH ELECTRICITY BY THE CITY, AND TO CREATE A MECHANISM TO FACILITATE THE RESOLUTION OF TERRITORIAL DISPUTES BETWEEN ELECTRICITY SUPPLIERS.

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

By Senators Clodfelter; Dannelly, Graham and Kinnaird:

S.B. 513, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MENTAL HEALTH COURT PROGRAMS IN MECKLENBURG AND ORANGE COUNTIES.

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

By Senators Clodfelter; Berger of Franklin, Dannelly, Kinnaird, Nesbitt and Snow:

S.B. 514, A BILL TO BE ENTITLED AN ACT TO CREATE A STATE EARNED INCOME TAX CREDIT.

Referred to the **Finance Committee**.

By Senators Clodfelter; Dannelly, Graham and Pittenger:

S.B. 515, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE ASSISTANT DISTRICT ATTORNEY POSITIONS IN PROSECUTORIAL DISTRICT 26.

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

By Senator Clodfelter:

S.B. 516, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A TRAVEL ALLOWANCE FOR APPELLATE JUDGES WHO RESIDE FIFTY MILES OR MORE FROM RALEIGH.

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

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By Senator Clodfelter:

S.B. 517, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ACCOUNT TRANSFERS AND AGENCY APPOINTMENTS BETWEEN AFFILIATED TRUST INSTITUTIONS.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 518, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTES.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 519, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INTERSTATE SERVICES ON A RECIPROCAL BASIS AND TO MAKE TECHNICAL CORRECTIONS TO ARTICLE 24 OF CHAPTER 53 OF THE GENERAL STATUTES.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 520, A BILL TO BE ENTITLED AN ACT TO INCREASE AND ADJUST FEES IN THE GENERAL COURT OF JUSTICE.

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

By Senator Clodfelter:

S.B. 521, 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.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 522, A BILL TO BE ENTITLED AN ACT TO EXTEND THE BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS.

Referred to the **Commerce Committee**.

By Senators Clodfelter; and Rand:

S.B. 523, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE NORTH CAROLINA COURT OF APPEALS TO CONDUCT EN BANC PROCEEDINGS.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; and Rand:

S.B. 524, A BILL TO BE ENTITLED AN ACT TO CLARIFY JURISDICTION OF THE GENERAL COURT OF JUSTICE WITH RESPECT TO CERTAIN CONSTITUTIONAL QUESTIONS.

Referred to the **Judiciary I Committee**.

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By Senators Clodfelter; Dannelly, Graham and Rand:

S.B. 525, A BILL TO BE ENTITLED AN ACT RELATING TO NASCAR HALL OF FAME FINANCING.

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

By Senators Clodfelter; Dannelly, Goodall, Graham and Pittenger:

S.B. 526, A BILL TO BE ENTITLED AN ACT TO PROVIDE STRICTER PENALTIES FOR JUVENILES WHO COMMIT LARCENY OF A MOTOR VEHICLE OR WHO ARE IN POSSESSION OF A STOLEN MOTOR VEHICLE.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; and Hartsell:

S.B. 527, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CAPACITY OF PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO PROTECT THE SAFETY AND WELFARE OF THEIR STUDENTS, FACULTY, AND STAFF BY ENACTING THE CAMPUS POLICE ACT.

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

By Senators Clodfelter; and Hartsell:

S.B. 528, A BILL TO BE ENTITLED AN ACT TO EXPAND THE TYPES OF REVENUES THAT MAY BE USED TO PROVIDE ADDITIONAL SECURITY FOR PROJECT DEVELOPMENT FINANCING INSTRUMENTS.

Referred to the **Finance Committee**.

By Senators Clodfelter; Hartsell and Kinnaird:

S.B. 529, A BILL TO BE ENTITLED AN ACT TO CREATE A UNIFORM SYSTEM FOR THE REGULATION OF PRIVATE AND PUBLIC ANIMAL SHELTERS.

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

By Senators Dalton and Hartsell:

S.B. 530, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SAFETY AND EMISSIONS INSPECTIONS.

Referred to the **Transportation Committee**.

By Senators Dorsett; and Hagan:

S.B. 531, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT AND EQUIP THE JOHN COLTRANE MUSIC HALL AT THE COMMUNITY ARTS CENTER IN HIGH POINT.

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

By Senators Berger of Rockingham, Thomas; Apodaca, Bingham, Brown, Forrester, Garwood, Goodall, Hartsell, Hoyle, Jacumin, Kerr, Stevens, Swindell, Tillman and Weinstein:

S.B. 532, A BILL TO BE ENTITLED AN ACT TO MAKE LARCENY FROM A CONSTRUCTION SITE A FELONY.

Referred to the **Judiciary I Committee**.

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By Senators Berger of Rockingham; and Goodall:

S.B. 533, A BILL TO BE ENTITLED AN ACT TO REVISE AND CLARIFY THE LAW PROVIDING FOR A CHILD'S ALLOWANCE FROM A DECEDENT'S ESTATE.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; Allran, Bingham, Brown, Garwood, Goodall, Hartsell, Jacumin, Stevens and Tillman:

S.B. 534, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA HEALTH INSURANCE PLAN, BASED ON THE HEALTH PLAN FOR UNINSURABLE INDIVIDUALS MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, TO MEET THE NEEDS OF INDIVIDUALS WHO HAVE DIFFICULTY OBTAINING HEALTH INSURANCE.

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

By Senator Clodfelter:

S.B. 535, A BILL TO BE ENTITLED AN ACT TO CHANGE THE REQUIREMENTS RELATED TO THE TAX CREDIT FOR REHABILITATING NONINCOME-PRODUCING HISTORIC STRUCTURES.

Referred to the **Finance Committee**.

By Senators Clodfelter; and Kinnaird:

S.B. 536, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THREE PILOT SELF-SERVE CENTERS.

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

By Senator Clodfelter:

S.B. 537, A BILL TO BE ENTITLED AN ACT TO ALLOW THE PAYMENT OF TAXES IN LIMITED CIRCUMSTANCES BY OFFSET OF AN OBLIGATION OWED TO THE TAXPAYER BY THE TAXING UNIT.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 538, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH SEVENTY-FIVE NEW ASSISTANT DISTRICT ATTORNEY POSITIONS THROUGHOUT THE STATE.

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

By Senators Clodfelter; and Kinnaird:

S.B. 539, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS CONCERNING THE NORTH CAROLINA PUBLIC CAMPAIGN FUND.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 540, A BILL TO BE ENTITLED AN ACT TO APPLY THE FRANCHISE TAX TO CERTAIN LIMITED LIABILITY COMPANIES.

Referred to the **Finance Committee**.

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By Senator Clodfelter:

S.B. 541, A BILL TO BE ENTITLED AN ACT TO ADJUST THE APPORTIONMENT FORMULA SALES FACTOR FOR BROADCASTERS AND PUBLISHERS AND TO UPDATE THE APPORTIONMENT FORMULA PROPERTY FACTOR FOR ALL CORPORATIONS BY EXCLUDING OUTER-JURISDICTIONAL PROPERTY FROM THAT FACTOR.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 542, A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON.

Referred to the **Judiciary I Committee**.

By Senator Jacumin:

S.B. 543, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ESTABLISHMENT OF A NORTH CAROLINA CENTER FOR APPLIED FURNITURE TECHNOLOGY.

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

By Senator Brock:

S.B. 544, A BILL TO BE ENTITLED AN ACT REQUIRING THAT THE AUTHORIZED USE OF STATE COMPUTERS MAY NOT INCLUDE STATE EMPLOYEE ACCESS TO CERTAIN TYPES OF INTERNET SITES AND OTHERWISE RESTRICTING STATE COMPUTER USE THAT IS NOT WORK-RELATED.

Referred to the **State & Local Government Committee**.

By Senators Forrester; Allran, Brock, Garwood, Goodall, Pittenger and Tillman:

S.B. 545, A BILL TO BE ENTITLED AN ACT TO CREATE A CREDIT AGAINST THE INCOME TAX OF PUBLIC SCHOOL TEACHERS.

Referred to the **Finance Committee**.

By Senators Rand, Smith; Apodaca, Berger of Rockingham, Bingham, Boseman, Brock, Brown, Forrester, Garwood, Horton, Hunt, Jacumin, Kerr, Presnell, Stevens, Swindell, Thomas and Tillman:

S.B. 546, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX CERTAIN COMPENSATION PAID TO MILITARY PERSONNEL OR THEIR SURVIVORS.

Referred to the **Finance Committee**.

By Senators Rand; and Hoyle:

S.B. 547, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT.

Referred to the **Commerce Committee**.

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By Senator Forrester:

S.B. 548, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL.

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

By Senators Allran; Apodaca, Blake, Brock, Brown, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Presnell, Smith, Stevens and Webster:

S.B. 549, A BILL TO BE ENTITLED AN ACT TO REQUIRE A TWENTY-FOUR-HOUR WAITING PERIOD AND THE INFORMED CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED.

Referred to the **Health Care Committee**.

By Senators Boseman and Thomas:

S.B. 550, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PLAN FOR THE DEVELOPMENT OF OYSTER HATCHERIES AT EACH OF THE THREE NORTH CAROLINA AQUARIUMS AND TO DEVELOP PUBLIC EDUCATION PROGRAMS REGARDING THOSE OYSTER HATCHERIES.

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

By Senators East; Allran, Apodaca, Berger of Rockingham, Bingham, Brown, Forrester, Goodall, Horton, Jacumin, Kerr, Pittenger, Smith, Stevens, Tillman and Webster:

S.B. 551, A BILL TO BE ENTITLED AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS.

Referred to the **Finance Committee**.

By Senator Dalton:

S.B. 552, A BILL TO BE ENTITLED AN ACT TO REQUIRE AN UNAUTHORIZED INSURER AGAINST WHICH A SUMMARY CEASE AND DESIST ORDER HAS BEEN ISSUED TO PETITION THE DEPARTMENT OF INSURANCE FOR A HEARING ON THE MATTER BEFORE PETITIONING THE SUPERIOR COURT OF WAKE COUNTY.

Referred to the **Judiciary II Committee**.

By Senators Lucas; and Malone:

S.B. 553, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS.

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

By Senator Lucas:

S.B. 554, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS.

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

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By Senator Lucas:

S.B. 555, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS.

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

By Senators Lucas; Atwater, Dannelly, Dorsett and Malone:

S.B. 556, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A DUTY-FREE LUNCH PERIOD FOR TEACHERS.

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

By Senators Lucas; Atwater and Dannelly:

S.B. 557, A BILL TO BE ENTITLED AN ACT TO DECREASE THE COST TO A TEACHER WHO TAKES PERSONAL LEAVE.

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

By Senators Kinnaird; Atwater, Cowell, Holloman, Nesbitt and Snow:

S.B. 558, A BILL TO BE ENTITLED AN ACT TO ALLOW SPECIAL BALLOTS FOR RUNOFF PRIMARIES AND RUNOFF ELECTIONS TO BE SENT TO OVERSEAS VOTERS.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird; Cowell, Graham, Holloman, Lucas, Nesbitt, Shaw and Weinstein:

S.B. 559, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES.

Referred to the **Judiciary II Committee**.

By Senator Kinnaird:

S.B. 560, A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW TO REDEFINE PROSTITUTION TO INCLUDE ACTS OTHER THAN INTERCOURSE, SPECIFICALLY PROHIBIT PUBLIC SEXUAL ACTIVITY, AND COMPLY WITH THE UNITED STATES SUPREME COURT DECISION OF LAWRENCE V. TEXAS.

Referred to the **Judiciary II Committee**.

By Senators Cowell; Apodaca, Atwater, Berger of Franklin, Boseman, Dorsett, Forrester, Garwood, Goodall, Graham, Holloman, Kinnaird, Malone, Snow, Stevens, Swindell and Thomas:

S.B. 561, A BILL TO BE ENTITLED AN ACT TO CREATE A CREDIT AGAINST THE INCOME TAX OF PUBLIC SCHOOL TEACHERS.

Referred to the **Finance Committee**.

By Senators Cowell; Forrester, Hartsell, Malone and Stevens:

S.B. 562, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RENOVATION OF THE FIRST FLIGHT VENTURE CENTER.

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

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By Senators Cowell; Forrester, Hartsell, Malone and Stevens:

S.B. 563, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO FIRST FLIGHT VENTURE CENTER FOR OPERATING EXPENSES.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:23 P.M.

TWENTY-NINTH DAY

Senate Chamber
Wednesday, March 16, 2005

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

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

"In Holy Scripture, the Apostle Paul says this in his letter to the Church at Galatia, 'For if those who are nothing think they are something, they deceive themselves.' (Galatians 6:3)

"There is some sort of connection between what Paul calls self-deception and our pride. Truth is, O God, that we are just plain prone to self-partiality.

"Only our relationship with You gives us the means to see ourselves not only honestly but also humbly. We pray that is the lens through which we see ourselves. Amen."

The Chair grants leaves of absence for today to Senator Clodfelter, Senator Goodall, Senator Smith and Senator Webster.

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

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 120, A BILL TO BE ENTITLED AN ACT TO EXPAND MEDICAID COVERAGE TO CHILDREN AGE BIRTH THROUGH FIVE YEARS WITH FAMILY INCOMES EQUAL TO OR LESS THAN TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL, AND TO USE NC

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HEALTH CHOICE STATE AND FEDERAL FUNDS TO FUND THE EXPANSION, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM, with a favorable report.

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

S.B. 124, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO DEVELOP A METHODOLOGY FOR REINVESTING IN THE COMMUNITY SAVINGS REALIZED FROM THE COMMUNITY CARE OF NORTH CAROLINA PROGRAM, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM, with a favorable report.

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

By Senator Holloman for the **State & Local Government Committee**:

S.B. 179, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF LAURINBURG TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, with a favorable report.

S.B. 294, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK, with a favorable report.

S.B. 329, A BILL TO BE ENTITLED AN ACT TO APPOINT A MEMBER OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY LEADER OF THE SENATE, with a favorable report.

S.B. 332, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENSBORO TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES, with a favorable report.

S.B. 348, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON, with a favorable report.

S.B. 388, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, with a favorable report.

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S.B. 420, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA, with a favorable report.

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

H.B. 75, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON, 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 60225, which changes the title to read **H.B. 75**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON, is adopted and engrossed.

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

S.B. 15, A BILL TO BE ENTITLED AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER, with a favorable report.

S.B. 170, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN, with a favorable report.

S.B. 350, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE, with a favorable report.

S.B. 14, A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65184, which changes the title to read **S.B. 14** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE, is adopted and engrossed.

S.B. 16, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TABOR CITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75170, is adopted and engrossed.

ENROLLED BILLS AND RESOLUTIONS

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

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S.B. 41, AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORD CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, AND TO MAKE OTHER CONFORMING CHANGES.

S.B. 130, AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK AND CERTAIN PROPERTY TO JOHNSON & WALES UNIVERSITY.

Upon motion of Senator Rand, **S.B. 130** is ordered sent to the Governor by special message.

PRIVILEGES OF THE FLOOR

With unanimous consent, upon motion of Senator Hagan, the privileges of the floor are extended to The Healing Force, a group of performers from Winston-Salem. They educate and entertain their audiences through African art mediums such as song, dance, stories, and literature. Since 1990, The Healing Force has performed as a full-time professional group, receiving grants from The Winston-Salem Arts Council and The NC Arts Council. Senator Berger of Rockingham, Senator Dannelly, Senator Garrou and Senator Dorsett are appointed to escort the group to the Well of the Senate where they perform for the members of the Senate.

The President recognizes the Committee to escort the guest from the Chamber, who departs to a standing ovation.

CALENDAR

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

S.J.R. 426, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF HOWARD N. LEE TO THE UTILITIES COMMISSION.

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

Upon motion of Senator Basnight, seconded by Senator Malone, the Senate adjourns subject to receipt of messages from the House of Representatives and introduction of bills, to meet tomorrow, Thursday, March 17, 2005, at 10:30 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

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H.B. 22 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT EXPANSION OF A MEDICAL FACILITY ONTO AN ADJACENT LOT SHALL BE A PERMITTED USE UNDER THE ZONING ORDINANCE.

Referred to the **State & Local Government Committee**.

H.B. 27, A BILL TO BE ENTITLED AN ACT REQUIRING THE EMPLOYMENT SECURITY COMMISSION TO CONSIDER THE ORDINARY BUSINESS ACTIVITIES OF EMPLOYERS WHEN SCHEDULING HEARINGS.

Referred to the **Commerce Committee**.

H.B. 45, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' ADULT PROTECTIVE SERVICES TASK FORCE TO COLLABORATE WITH OTHERS INTERESTED IN IMPROVING ADULT PROTECTIVE SERVICES AND REPORT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

H.B. 99, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE "FIRST IN FORESTRY" PLATES WITH A SPECIAL BACKGROUND.

Referred to the **Finance Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Boseman:

S.B. 564, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEFENDANTS ENROLLED IN A DRUG TREATMENT COURT PROGRAM SHALL BE REFERRED TO RESIDENTIAL TREATMENT IN THE DART PROGRAM WITHOUT UNDERGOING A SECOND ASSESSMENT.

Referred to the **Judiciary I Committee**.

By Senators Dalton; and Dorsett:

S.B. 565, A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE.

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

By Senators Lucas; Berger of Franklin, Dannelly, Dorsett, Holloman and Malone:

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S.B. 566, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM.

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

By Senators Lucas; Berger of Franklin, Dannelly, Dorsett, Holloman and Malone:

S.B. 567, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE WORK AND OPERATIONS OF THE NORTH CAROLINA HISTORICALLY MINORITY COLLEGES AND UNIVERSITIES CONSORTIUM TO DEVELOP, IMPLEMENT, AND MANAGE COMMUNITY PROGRAMS TO CLOSE THE ACHIEVEMENT GAP AND TO DEVELOP AND IMPLEMENT STRATEGIES TO DISSEMINATE AND REPLICATE THESE PROGRAMS AND ACTIVITIES ACROSS THE STATE OF NORTH CAROLINA.

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

By Senators Swindell; and Stevens:

S.B. 568, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS.

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

By Senators Swindell; Allran, Jenkins and Thomas:

S.B. 569, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FUTURE TEACHERS OF NORTH CAROLINA SCHOLARSHIP FUND FOR CERTAIN STUDENTS WHO AGREE TO BECOME CERTIFIED IN CERTAIN SUBJECT AREAS AND TEACH IN THE STATE PUBLIC SCHOOL SYSTEM AND TO APPROPRIATE FUNDS FOR THE SCHOLARSHIP.

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

By Senators Swindell, Rand; Albertson, Allran, Apodaca, Atwater, Bingham, Clodfelter, Dannelly, Dorsett, Garwood, Jenkins, Kinnaird, Lucas, Malone, Soles, Stevens, Thomas and Tillman:

S.B. 570, A BILL TO BE ENTITLED AN ACT TO 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**, and upon a favorable report, re-referred to the **Pensions & Retirement and Aging Committee**.

By Senators Swindell; Albertson, Allran, Atwater, Bingham, Clodfelter, Dannelly, Dorsett, Garwood, Jenkins, Kinnaird, Lucas, Malone, Rand, Soles, Stevens, Thomas and Tillman:

S.B. 571, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL

COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL.

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

By Senators Swindell; Jenkins and Malone:

S.B. 572, A BILL TO BE ENTITLED AN ACT TO CREATE A LICENSURE CATEGORY FOR ASSISTED LIVING COMMUNITIES THAT SERVE ONLY ELDERLY ADULTS.

Referred to the **Health Care Committee**.

By Senator Atwater:

S.B. 573, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION TO REVIEW THE BENEFITS PROVIDED THROUGH THE NORTH CAROLINA NATIONAL GUARD PENSION FUND.

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

By Senator Hartsell:

S.B. 574, A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION.

Referred to the **Judiciary II Committee**.

By Senators Clodfelter; and Stevens:

S.B. 575, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES AND TO AUTHORIZE A LARGER FEE FOR THOSE CASES.

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

By Senators Dalton; Atwater and Dorsett:

S.B. 576, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURANCE PRODUCERS TO DISCLOSE COMPENSATION ARRANGEMENTS TO CUSTOMERS AND TO CLARIFY THAT AN INSURANCE BROKER MUST SERVE THE INTEREST OF THE CUSTOMER FIRST.

Referred to the **Commerce Committee**.

By Senators Dalton; Atwater and Dorsett:

S.B. 577, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN UNAUTHORIZED INSURER SHALL NOT OPERATE IN THIS STATE IN ITS OWN NAME OR UNDER A "DOING BUSINESS AS" DESIGNATION AS A THIRD PARTY ADMINISTRATOR.

Referred to the **Commerce Committee**.

By Senators Dalton; Atwater and Dorsett:

S.B. 578, A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE INTERSTATE INSURANCE

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PRODUCT REGULATION COMPACT, TO REQUIRE THE COMMISSIONER OF INSURANCE TO REPORT WHETHER CONTINUED PARTICIPATION BY THIS STATE IN THE COMPACT IS IN THE BEST INTEREST OF THE CITIZENS AND POLICYHOLDERS OF THIS STATE, AND TO PROVIDE A SUNSET FOR PARTICIPATION IN THE COMPACT.

Referred to the **Commerce Committee**.

By Senators Dalton; Atwater and Dorsett:

S.B. 579, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CREDIT INSURANCE LAWS TO DEFINE "CRITICAL PERIOD COVERAGE"; CLARIFY THE APPROPRIATE REFUND OF PREMIUMS METHOD WHEN A POLICY OR GROUP CERTIFICATE IS TERMINATED PRIOR TO THE SCHEDULED MATURITY DATE OF THE SUBJECT DEBT; ALLOW CREDIT CARD COVERAGE FROM OUT-OF-STATE FINANCIAL INSTITUTIONS; PROVIDE THAT INSURERS MUST ACKNOWLEDGE TO THE CLAIMANT ANY CLAIMS NOT PAID WITHIN THIRTY DAYS; CLARIFY THAT INSURERS CAN REQUIRE REGISTRATION WITH THE STATE UNEMPLOYMENT OFFICE TO QUALIFY FOR CREDIT UNEMPLOYMENT INSURANCE BUT CANNOT IMPOSE A TIME LIMIT ON THAT REGISTRATION NOR CONDITION QUALIFICATION FOR BENEFITS UNDER A POLICY UPON QUALIFICATION FOR STATE UNEMPLOYMENT BENEFITS; CLARIFY THAT, WITH RESPECT TO CREDIT UNEMPLOYMENT INSURANCE, THE REFUND SHALL EQUAL THE PRO RATA UNEARNED GROSS PREMIUM; AND PROVIDE THE COMMISSIONER OF INSURANCE WITH THE AUTHORITY TO ENFORCE THE LAWS GOVERNING CREDIT INSURANCE CONSISTENT WITH THE COMMISSIONER'S GENERAL ENFORCEMENT AUTHORITY AS SET FORTH IN CHAPTER 58 OF THE GENERAL STATUTES.

Referred to the **Commerce Committee**.

By Senators Dalton; Atwater and Dorsett:

S.B. 580, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE FINANCIAL LAWS UNDER CHAPTER 58 OF THE GENERAL STATUTES.

Referred to the **Commerce Committee**.

By Senators Forrester; and Garwood:

S.B. 581, A BILL TO BE ENTITLED AN ACT TO CREATE A PRESCRIPTION MANAGEMENT PROGRAM TO LOWER MEDICAL COST.

Referred to the **Health Care Committee**.

By Senators Forrester, Smith; Allran, Blake, Brown, Garwood, Goodall, Jacumin, Pittenger, Presnell and Tillman:

S.B. 582, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TREASURER AND THE NORTH CAROLINA HOUSING FINANCE AGENCY TO DEVELOP PILOT PROGRAMS TO PROVIDE NEW TEACHERS WITH MORTGAGE ASSISTANCE TO ENCOURAGE

THEM TO STAY IN THE CLASSROOM FOR A PERIOD OF AT LEAST THREE YEARS.

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

By Senators Forrester; Allran, Berger of Rockingham, Blake, Brock, Brown, Garwood, Hartsell, Horton, Jacumin, Pittenger, Presnell, Smith, Thomas and Tillman:

S.B. 583, A BILL TO BE ENTITLED AN ACT CREATING A FUND TO PROVIDE A DEATH BENEFIT FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD KILLED IN THE LINE OF DUTY AND TO PROVIDE A FREE HIGHER EDUCATION FOR QUALIFIED DEPENDENTS OF THOSE MEMBERS.

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

By Senators Albertson; and Weinstein:

S.B. 584, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE UMSTEAD ACT THE SALE BY NORTH CAROLINA STATE UNIVERSITY OF PRODUCTS PRODUCED BY THE DAIRY AND PROCESS APPLICATION LABORATORY.

Referred to the **Commerce Committee**.

By Senators Albertson; Apodaca, Atwater, Berger of Franklin, Blake, Boseman, Brock, Brown, Dalton, Dannelly, Dorsett, East, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kinnaird, Lucas, Malone, Presnell, Purcell, Rand, Shaw, Smith, Thomas, Tillman, and Weinstein:

S.B. 585, A BILL TO BE ENTITLED AN ACT TO CHANGE THE RENEWAL PERIOD FOR VEHICLE REGISTRATION TO TWO YEARS AND TO CHANGE THE RENEWAL PERIOD FOR DRIVERS LICENSES TO EIGHT YEARS.

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

By Senators Dalton and Rand:

S.B. 586, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF NEW STATE PARKS AT CARVERS CREEK AND IN THE HICKORY NUT GORGE/CHIMNEY ROCK AREA TO THE STATE PARKS SYSTEM.

Referred to the **State & Local Government Committee**.

By Senators Thomas, Brown; Forrester, Garwood, Smith, Swindell and Tillman:

S.B. 587, 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**.

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By Senators Weinstein; Albertson, Allran, Apodaca, Garwood, Goodall, Jenkins and Kinnaird:

S.B. 588, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN WHITE-COLLAR CRIMINAL OFFENSES.

Referred to the **Judiciary II Committee**.

By Senators Weinstein; Albertson, Allran, Apodaca, Boseman, Dalton, Garwood, Goodall, Jenkins, Kinnaird and Smith:

S.B. 589, A BILL TO BE ENTITLED AN ACT PROVIDING THAT A BOARD OF COUNTY COMMISSIONERS MAY REQUIRE THE REGISTER OF DEEDS NOT TO ACCEPT DEEDS FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY.

Referred to the **Finance Committee**.

By Senators Dorsett; Albertson, Cowell, Dannelly, Forrester, Holloman, Jenkins, Lucas, Malone, Purcell, Rand, Stevens and Thomas:

S.B. 590, A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS.

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

By Senators Allran; Bingham, Blake, Dalton, Forrester, Goodall, Holloman, Rand, Swindell, Tillman and Weinstein:

S.B. 591, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW WITH REGARD TO MAKING A FALSE REPORT CONCERNING A DESTRUCTIVE DEVICE.

Referred to the **Judiciary II Committee**.

By Senators Kinnaird; Hartsell, Rand and Weinstein:

S.B. 592, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL REVISIONS TO THE LAW GOVERNING INDIGENT DEFENSE AND ENTITLEMENT TO COUNSEL.

Referred to the **Judiciary II Committee**.

By Senators Kinnaird; Hartsell, Rand and Weinstein:

S.B. 593, A BILL TO BE ENTITLED AN ACT TO EXEMPT ATTORNEYS APPOINTED TO REPRESENT INDIGENT CLIENTS FROM THE FEE CHARGED BY THE CLERK OF COURT FOR PREPARING COPIES.

Referred to the **Judiciary II Committee**.

By Senators Kinnaird; Hartsell, Rand and Weinstein:

S.B. 594, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING RECOUPMENT FOR LEGAL SERVICES PROVIDED TO INDIGENT PERSONS WHO ARE FINANCIALLY ABLE TO PAY A PORTION OF THE VALUE OF THOSE SERVICES.

Referred to the **Judiciary II Committee**.

By Senators Jenkins; Bingham, Brock, Dalton, Dannelly, Garwood, Hartsell, Horton and Hoyle:

S.B. 595, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE NORTH CAROLINA TRANSPORTATION MUSEUM AND TO TRANSFER OVERSIGHT OF THE MUSEUM FROM THE DEPARTMENT OF CULTURAL RESOURCES TO THE DEPARTMENT OF TRANSPORTATION.

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

By Senators Jenkins; Albertson, Swindell and Weinstein:

S.B. 596, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN AGRICULTURAL CURRICULUM DEVELOPMENT COORDINATOR AT NORTH CAROLINA STATE UNIVERSITY.

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

By Senator Jenkins:

S.B. 597, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES.

Referred to the **Transportation Committee**.

By Senator Jenkins:

S.B. 598, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES.

Referred to the **Commerce Committee**.

By Senator Jenkins:

S.B. 599, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE INCENTIVES, DISINCENTIVES, AND RELATED CONTRACTUAL MEASURES TO EXPEDITE RELOCATION OF PUBLIC AND PRIVATE TELECOMMUNICATIONS, GAS, OR ELECTRIC UTILITIES THAT ARE REQUIRED TO BE RELOCATED FOR A HIGHWAY CONSTRUCTION PROJECT.

Referred to the **Transportation Committee**.

By Senator Jenkins:

S.B. 600, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR AN ENGINEERING, CONSULTING, OR CONTRACTING FIRM EMPLOYEE, SUPERVISOR, OR OFFICER TO FALSIFY A DEPARTMENT OF TRANSPORTATION REQUIRED HIGHWAY INSPECTION OR TEST REPORT.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

S.B. 601, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS.

Referred to the **Commerce Committee**.

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By Senator Jenkins:

S.B. 602, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF TRANSPORTATION TO AWARD CONTRACTS ON ALTERNATE BIDDING PROCEDURES.

Referred to the **State & Local Government Committee**.

By Senator Jenkins:

S.B. 603, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN BUILDING SUPPLIES AND EQUIPMENT FROM THE LIGHT-DUTY ROAD WEIGHT LIMITATIONS.

Referred to the **Commerce Committee**.

By Senators Jenkins; Albertson, Rand and Weinstein:

S.B. 604, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW DINING AND RECREATION HALL AT THE NORTH CAROLINA FFA CENTER AT WHITE LAKE.

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

By Senator Jenkins:

S.B. 605, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN STATUTES OF CHAPTER 20 OF THE GENERAL STATUTES RELATING TO CONTRACT AGENT FEES.

Referred to the **Finance Committee**.

By Senators Jenkins, Albertson, Swindell and Thomas:

S.B. 606, A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF COMMISSIONERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION.

Referred to the **State & Local Government Committee**.

By Senators Jenkins and Kerr:

S.B. 607, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE BRODY SCHOOL OF MEDICINE AT EAST CAROLINA UNIVERSITY TO CONSTRUCT A FAMILY MEDICINE CENTER.

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

By Senator Jenkins:

S.B. 608, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EDGECOMBE COUNTY TO IMPLEMENT AN OUT-OF-SCHOOL SUSPENSION PROGRAM.

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

By Senator Jenkins:

S.B. 609, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE BOYS AND GIRLS CLUB AFTER-SCHOOL PROGRAM IN EDGECOMBE COUNTY.

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

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By Senator Jenkins:

S.B. 610, A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS.

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

By Senator Jenkins:

S.B. 611, A BILL TO BE ENTITLED AN ACT TO GOVERN DEBARMENT OF CONTRACTORS ON DEPARTMENT OF TRANSPORTATION CONSTRUCTION PROJECTS.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:16 P.M.

THIRTIETH DAY

Senate Chamber
Thursday, March 17, 2005

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

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

"Almighty God, in Elie Wiesel's 'The Oath', there is an interesting dialogue between a prophet and a young man.

" 'You go to school?' asked the prophet, 'To what purpose?

" 'To learn. To learn what?'

" 'The laws of God,' the boy said uneasily.

" 'The laws of God are life,' said the prophet, 'And life must be lived; it cannot be learned between four walls. But the laws of God are greater than life - even God follows the Commandments.'

" 'God, too, must be lived, my son. You must live God, not just study God in books, between four walls.'

"May the wisdom of that dialogue guide the members here who pass laws that we all must live out. Amen."

The Chair grants leaves of absence for today to Senator Clodfelter, Senator Goodall, Senator Smith and Senator Webster.

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

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The President of the Senate extends privileges of the floor to Dr. Marcus Plescia from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Foster from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Bingham and Purcell:

S.B. 680, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE SUPERVISION OF HEARING SCREENING RULES THAT ARE TO BECOME EFFECTIVE APRIL 1, 2005.

Referred to the **Health Care Committee**.

CALENDAR

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

S.B. 16 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TABOR CITY, upon second reading.

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

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, March 21, upon third reading.

S.B. 170, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell,

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Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 21, upon third reading.

S.B. 350, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 21, upon third reading.

S.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 179, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF LAURINBURG TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 294, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 332, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENSBORO TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 348, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY

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PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 388, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 75 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON AND THE TOWN OF LOUISBURG.

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

S.B. 15, A BILL TO BE ENTITLED AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 21, upon third reading.

S.B. 329, A BILL TO BE ENTITLED AN ACT TO APPOINT A MEMBER OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY LEADER OF THE SENATE.

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

Upon motion of Senator Basnight, seconded by Senator Holloman, the Senate adjourns in memory of Representative John D. Hall, subject to reading of messages from the House of Representatives and introduction of bills, to meet Monday, March 21, 2005, at 7:00 P.M.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

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H.B. 217 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES.

Referred to the **Judiciary II Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Rand; Kinnaird and Thomas:

S.B. 612, 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 Senators Garrou; Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Bingham, Boseman, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garwood, Graham, Hagan, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Rand, Smith, Snow, Stevens, Swindell, Thomas and Tillman:

S.B. 613, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR HIGH-COST COMMUNITY COLLEGE PROGRAMS.

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

By Senator Thomas:

S.B. 614, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES TO ENHANCE EFFICIENT ADMINISTRATION OF FEE COLLECTION AND PROCESSING.

Referred to the **Finance Committee**.

By Senator Thomas:

S.B. 615, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS OF THE STATE.

Referred to the **Commerce Committee**.

By Senator Dannelly:

S.B. 616, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Dannelly:

S.B. 617, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

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By Senator Dannelly:

S.B. 618, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Dannelly:

S.B. 619, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Hoyle:

S.B. 620, A BILL TO BE ENTITLED AN ACT PROVIDING FOR PERPETUAL CARE DEPOSIT FUNDS FOR PRIVATE FAMILY MAUSOLEUMS AND REQUIRING CEMETERY COMPANIES TO COLLECT PERPETUAL CARE DEPOSITS FOR MERCHANDISE NOT SOLD BY THE CEMETERY COMPANY.

Referred to the **Commerce Committee**.

By Senator Dorsett:

S.B. 621, A BILL TO BE ENTITLED AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF A DEMUTUALIZED INSURANCE COMPANY.

Referred to the **Commerce Committee**.

By Senators Garrou, Dalton and Hagan:

S.B. 622, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

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

By Senators Jacumin; Allran, Apodaca, Atwater, Berger of Rockingham, Bingham, Brown, Garrou, Garwood, Goodall, Graham, Holloman, Horton, Hoyle, Hunt, Smith, Snow, Tillman and Weinstein:

S.B. 623, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE VALUATION OF PARTIALLY IMPROVED, UNDEVELOPED LOTS IN SUBDIVISIONS.

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

By Senators Thomas; and Apodaca:

S.B. 624, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN AUTOMATED DISCOVERY SYSTEM TO ALLOW DISTRICT ATTORNEYS TO CATALOG AND TRACK THE DELIVERY OF DISCOVERY DOCUMENTS.

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

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By Senator Thomas:

S.B. 625, A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; CLARIFY THAT SERVICES COVERED ONLY FOR CERTAIN MEDICAL CONDITIONS OR DIAGNOSES MUST BE TREATED AS UTILIZATION REVIEW DECISIONS WHEN IT IS NECESSARY TO REVIEW THE COVERED PERSON'S CONDITION OR DIAGNOSIS IN ORDER TO DETERMINE IF THE SERVICE IS EXCLUDED OR COVERED; ENSURE THAT COVERED PERSONS RECEIVING EXTERNAL REVIEW KNOW WHAT INFORMATION THEIR INSURER PROVIDES TO THE EXTERNAL REVIEW ORGANIZATION PERFORMING THE REVIEW; AND ELIMINATE EXTERNAL REVIEW OUTSIDE OF NORMAL BUSINESS HOURS.

Referred to the **Commerce Committee**.

By Senator Thomas:

S.B. 626, A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT REGARDING THE TYPE OF COVERAGE THAT CONSTITUTES CREDITABLE COVERAGE; TO PROVIDE SPECIAL ENROLLMENT PERIODS WITHOUT PENALTY FOR PERSONS ENROLLED UNDER A GROUP PLAN WHOSE COVERAGE IS TERMINATED WHEN AN INSURER DISCONTINUES WRITING A CERTAIN TYPE OF GROUP HEALTH INSURANCE COVERAGE THROUGHOUT THAT ENTIRE SMALL OR LARGE GROUP MARKET; AND TO PROVIDE CONTINUED GUARANTEED ISSUE RIGHTS TO A PERSON WHO IS HIPAA ELIGIBLE, WHO IS INSURED IN THE INDIVIDUAL MARKET, AND WHOSE INSURER DISCONTINUES WRITING A CERTAIN TYPE OF HEALTH INSURANCE COVERAGE THROUGHOUT THE ENTIRE INDIVIDUAL MARKET.

Referred to the **Commerce Committee**.

By Senator Thomas:

S.B. 627, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED, LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS FOR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING

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CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO SIX; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; AND AMEND THE UTILIZATION REVIEW LAWS TO CLARIFY THAT SUCH LAWS PLAINLY APPLY TO INDIVIDUAL INSURANCE COVERAGE AS WELL AS GROUP COVERAGE.

Referred to the **Commerce Committee**.

By Senator Garwood:

S.B. 628, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A FORESTRY HEADQUARTERS TO BE LOCATED IN ASHE COUNTY.

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

By Senators Snow; and Apodaca:

S.B. 629, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO BE USED TOWARD THE CAPITAL COSTS OF CONVERTING AN EXISTING LOG BUILDING LOCATED IN DUPONT STATE FOREST INTO A VISITORS' CENTER FOR DUPONT STATE FOREST.

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

By Senator Swindell:

S.B. 630, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING RESIDENTIAL SCHOOLS TO MAKE THEIR ACCOUNTABILITY SYSTEM AND THEIR SCHOOL IMPROVEMENT PLANS LIKE THOSE OF OTHER PUBLIC SCHOOLS.

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

By Senator Albertson:

S.B. 631, A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANT PEST LAW TO PREEMPT LOCAL REGULATION OF PLANTS AND PLANT PESTS.

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

By Senator Albertson:

S.B. 632, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SERVE AS MATCHING FUNDS FOR THE DUPLIN COMMONS AGRIBUSINESS CENTER.

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

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By Senator Kerr:

S.B. 633, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE HISTORIC PARAMOUNT THEATRE IN THE CITY OF GOLDSBORO.

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

By Senator Kerr:

S.B. 634, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ALTERNATIVE WATER SUPPLY FOR FARMVILLE AND GREENE COUNTY.

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

By Senator Kerr:

S.B. 635, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO LENOIR COMMUNITY COLLEGE FOR A SIMULATED CELL TO TRAIN AREA PRISON PERSONNEL.

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

By Senator Kerr:

S.B. 636, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE OFFICE OF ADMINISTRATIVE HEARINGS TO UPGRADE AND DEVELOP COMPUTER SOFTWARE FOR THE TRACKING OF ADMINISTRATIVE RULES AND CONTESTED CASES AND MAKING THAT INFORMATION ACCESSIBLE TO THE PUBLIC.

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

By Senator Kerr:

S.B. 637, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO FUND THE OBESITY RESEARCH AND PREVENTION INITIATIVE.

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

By Senator Stevens:

S.B. 638, 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**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Stevens; Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Brock, Brown, Cowell, Dannelly, Dorsett, East, Forrester, Garwood, Hartsell, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Malone, Presnell, Rand, Snow, Swindell, Tillman and Weinstein:

S.B. 639, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A FRIENDS OF THE NORTH CAROLINA STATE MUSEUM OF NATURAL SCIENCES SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

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By Senator Shaw:

S.B. 640, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADDRESS THE PUBLIC HEALTH AIDS CRISIS.

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

By Senator Shaw:

S.B. 641, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ADAP PROGRAM.

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

By Senator Shaw:

S.B. 642, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MANDATORY EDUCATION PROGRAM FOR INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION.

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

By Senators Hoyle; and Atwater:

S.B. 643, A BILL TO BE ENTITLED AN ACT TO ALLOW TAXPAYERS TO CONTRIBUTE INCOME TAX REFUNDS FOR PROSTATE CANCER RESEARCH.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 644, A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER THE STATE PERSONNEL ACT.

Referred to the **Commerce Committee**.

By Senator Hoyle:

S.B. 645, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ADMINISTERING OF THE CODE-ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 646, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS, TO AUTHORIZE THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR PROFESSIONAL DEVELOPMENT OF CODE-ENFORCEMENT OFFICIALS, AND TO APPROPRIATE FUNDS FROM THE INSURANCE REGULATORY FUND FOR THAT PURPOSE.

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

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By Senators Hoyle, Apodaca, Thomas; Albertson, Atwater, Berger of Rockingham, Bingham, Blake, Dalton, Dorsett, East, Forrester, Garwood, Jacumin, Jenkins, Presnell, Snow, Swindell, Tillman and Weinstein:

S.B. 647, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS.

Referred to the **Commerce Committee**.

By Senators Brock; Stevens and Tillman:

S.B. 648, A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND CAREER FIREFIGHTERS AND CAREER EMERGENCY MEDICAL SERVICES WORKERS 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 **Pensions & Retirement and Aging Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Brock; Horton and Webster:

S.B. 649, A BILL TO BE ENTITLED AN ACT PROVIDING THAT MUNICIPALITIES SHALL ALLOW CITIZENS IN ANNEXED AREAS TO PAY FOR MANDATORY WATER OR SEWER HOOKUP OVER A PERIOD OF TWENTY-FIVE YEARS.

Referred to the **Finance Committee**.

By Senator Lucas:

S.B. 650, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT THE RESULTS OF CLINICAL TRIALS BE MADE AVAILABLE TO THE PUBLIC.

Referred to the **Health Care Committee**.

By Senators Lucas; and Atwater:

S.B. 651, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA MUSEUM OF LIFE AND SCIENCE.

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

By Senator Lucas:

S.B. 652, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SALARY OF NATIONALLY CERTIFIED SCHOOL PSYCHOLOGISTS.

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

By Senators Brock; Holloman, Horton, Hunt, Stevens and Webster:

S.B. 653, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO GIVE CREDIT TOWARD HIGH SCHOOL GRADUATION TO MIDDLE SCHOOL STUDENTS WHO SUCCESSFULLY COMPLETE COURSES THAT ARE REQUIRED FOR GRADUATION.

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

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By Senator Jenkins:

S.B. 654, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO RECEIVE MITIGATION CREDIT FOR JOINT PURCHASES WITH THE CLEAN WATER MANAGEMENT TRUST FUND.

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

By Senator Jenkins:

S.B. 655, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE PARTNERSHIP AGREEMENTS TO MAKE NEEDED TRANSPORTATION IMPROVEMENTS.

Referred to the **Transportation Committee**.

By Senator Jenkins:

S.B. 656, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE DEALERS LICENSING ACT.

Referred to the **Commerce Committee**.

By Senator Jenkins:

S.B. 657, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS.

Referred to the **Transportation Committee**.

By Senator Jenkins:

S.B. 658, A BILL TO BE ENTITLED AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS.

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

By Senator Jenkins:

S.B. 659, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SCUBA SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

By Senator Purcell:

S.B. 660, A BILL TO BE ENTITLED AN ACT PERTAINING TO ANATOMIC PATHOLOGY SERVICES.

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

By Senators Purcell; Albertson, Dannelly, Dorsett, Forrester, Lucas and Malone:

S.B. 661, 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, TO ESTABLISH THE RURAL EMERGENCY DEPARTMENT INCENTIVE FUND.

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

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By Senators Purcell; Albertson, Dannelly, Dorsett, Forrester, Lucas and Malone:

S.B. 662, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN LICENSED FACILITIES OR PROVIDERS OF MEDICATION ADMINISTRATION SERVICES TO UTILIZE UNLICENSED HEALTH CARE PERSONNEL TO PERFORM THE TECHNICAL ASPECTS OF MEDICATION ADMINISTRATION.

Referred to the **Health Care Committee**.

By Senators Purcell; Albertson, Dannelly, Dorsett, Forrester, Lucas, and Malone:

S.B. 663, A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES AUTHORIZING STUDENTS TO SELF-ADMINISTER MEDICATION FOR ASTHMA OR ANAPHYLAXIS.

Referred to the **Health Care Committee**.

By Senators Hartsell and Hoyle:

S.B. 664, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES PROPOSING PERMANENT RULES TO CONSIDER THE ADVERSE ECONOMIC IMPACT OF THE PROPOSED RULE ON SMALL BUSINESS; TO REQUIRE STATE AGENCY REVIEW OF EXISTING RULES PRIOR TO AMENDMENT TO DETERMINE THE IMPACT ON SMALL BUSINESS; TO ESTABLISH THE SMALL BUSINESS REGULATORY COMMITTEE IN THE DEPARTMENT OF COMMERCE; TO PROVIDE FOR SMALL BUSINESS REGULATORY COMMITTEE REVIEW OF PROPOSED PERMANENT RULES THAT MAY HAVE AN ADVERSE IMPACT ON SMALL BUSINESS AND SMALL BUSINESS REGULATORY COMMITTEE RECOMMENDATIONS TO THE AGENCY AND GENERAL ASSEMBLY; TO AUTHORIZE PETITION BY A SMALL BUSINESS OBJECTING TO A PERMANENT RULE ON SPECIFIED GROUNDS; PROVIDING FOR SMALL BUSINESS REGULATORY COMMITTEE REVIEW OF THE AGENCY'S RESPONSE TO THE PETITION; AND AUTHORIZING AGENCY WAIVER OF ADMINISTRATIVE FINES OR PENALTIES FOR VIOLATIONS BY SMALL BUSINESS.

Referred to the **Commerce Committee**.

By Senators Hartsell; and Holloman:

S.B. 665, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO CONTRACT DIRECTLY WITH PRIVATE VENDORS TO OPERATE THE COUNTY BILLING SYSTEM FOR MEDICAID CLAIMS.

Referred to the **Health Care Committee**.

By Senator Hartsell:

S.B. 666, A BILL TO BE ENTITLED AN ACT TO ALLOW ATTORNEYS' FEES TO BE AWARDED TO THE PREVAILING PARTY IN AN ACTION TO ENFORCE PROVISIONS OF THE ARTICLES OF INCORPORATION, DECLARATION, BYLAWS, OR RULES OF A PLANNED COMMUNITY CREATED PRIOR TO JANUARY 1, 1999, IF RECOVERY OF ATTORNEYS'

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FEES IS ALLOWED IN THE DECLARATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 667, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN SUBORDINATION AGREEMENTS AND TO CLARIFY THE LAW ON THE PRIORITY OF INSTRUMENTS REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 668, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A UNIFORM PROCEDURE FOR TAX REFUND CLAIMS.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 669, A BILL TO BE ENTITLED AN ACT TO REPEAL LEGISLATION THAT MADE STATE LAND SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND PERMITTED THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS ON STATE LAND WITHOUT THE APPROVAL OF THE COUNCIL OF STATE.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 670, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS RELATING TO THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR IMPROVEMENTS TO THE FACILITIES OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Finance Committee**.

By Senators Hartsell; and Berger of Rockingham:

S.B. 671, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Nesbitt:

S.B. 672, A BILL TO BE ENTITLED AN ACT RELATING TO OPPORTUNITIES AND NEEDS FOR ECONOMIC GROWTH IN NORTH CAROLINA.

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

By Senators Nesbitt; and Berger of Franklin:

S.B. 673, A BILL TO BE ENTITLED AN ACT TO PROVIDE LONG-TERM

VOCATIONAL SUPPORT SERVICES TO PERSONS WITH MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES.

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

By Senators Nesbitt; Allran, Dorsett, Forrester, Hartsell, Kinnaird, Presnell and Snow:

S.B. 674, A BILL TO BE ENTITLED AN ACT TO CREATE THE JOINT LEGISLATIVE COMMISSION ON EXPANDING RAIL SERVICE.

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

By Senators Nesbitt; Apodaca, Holloman, Presnell and Snow:

S.B. 675, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HONORARY LISTON B. RAMSEY MOUNTED HORSE/CAISSON PATROL UNIT.

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

By Senators Nesbitt; Apodaca, Berger of Franklin, Dorsett, Forrester, Hartsell, Presnell and Snow:

S.B. 676, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM'S BIONETWORK INITIATIVE.

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

By Senators Nesbitt; Apodaca, Berger of Franklin, Boseman, Dorsett, Forrester, Garwood, Hartsell, Kinnaird, Presnell, Snow and Swindell:

S.B. 677, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL TEACHING FELLOWS SCHOLARSHIPS.

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

By Senators Nesbitt, Hartsell; Apodaca, Berger of Franklin, Boseman, Dorsett, Garwood, Kinnaird and Snow:

S.B. 678, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EARLY CHILDHOOD DEVELOPMENT INITIATIVES (SMART START).

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

By Senator Hagan:

S.B. 679, A BILL TO BE ENTITLED AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:24 A.M.

March 17, 2005

THIRTY-FIRST DAY

Senate Chamber
Monday, March 21, 2005

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 Lord, Holy Scripture encourages us with the words, 'Be perfect even as your Father in Heaven is perfect. I guess those of us who aren't deluded know that perfection is impossible, but too often we wear false contribution as an excuse for our actions.

"This week help us rediscover Your divine spark and nature within ourselves and in each other, all the while striving to be more perfect. It's not our failure to achieve perfection but our low aim that is the problem. Amen."

The Chair grants leaves of absence for tonight to Senator Allran, Senator Clodfelter, Senator Dorsett, Senator Hagan, Senator Hartsell and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges 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 Mark Schontz from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

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

S.B. 16 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TABOR CITY, upon third reading.

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

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Cowell, Dalton, Dannelly, East, Forrester, Garrou, Garwood, Goodall, Graham, Holloman, Horton, Hunt, Jacumin, Jenkins, Kerr, Kinnaid, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

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

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S.B. 170, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Cowell, Dalton, Dannelly, East, Forrester, Garrou, Garwood, Goodall, Graham, Holloman, Horton, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 350, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Cowell, Dalton, Dannelly, East, Forrester, Garrou, Garwood, Goodall, Graham, Holloman, Horton, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 15, A BILL TO BE ENTITLED AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Cowell, Dalton, Dannelly, East, Forrester, Garrou, Garwood, Goodall, Graham, Holloman, Horton, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

SENATE PAGES

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

Richard Mark Best, Raleigh; Austin Stewart Bloom, Winston-Salem; Brantly B. Braswell, Fuquay-Varina; Britney Cherry, Raleigh; Ariel Cochrane-Brown, Cary; Darius Dawson, Fayetteville; Reginald J. Dawson, Fayetteville; April N. Gaddy, Raleigh; Derrick Gulley, Knightdale; J. Scott Gunn, Burlington; Lauren D. Hodge, Wendell; Jamie Marie Keener, Raleigh; Clinton Beringer Lienau,

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Pittsboro; Brian J. Mathis, Raleigh; Natresha Moore, Wendell; Hollie Dawn Raney, Purllear; Karly Marie Rivenbark, Mount Olive; Stephanie Danielle Robinson, Wallace; Joel Rubin, Raleigh; Janet Rust, Raleigh; Cyrus B. Scott, Raleigh; Morgan Elizabeth Skilton, Littleton; Matt Southern, Kernersville; Eric Wade Spitler, Raleigh; Hunter Thomas Story, Littleton; Bettina Thornton, Raleigh; and Elliott R. Tomlinson, Louisburg.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Hoyle and Apodaca:

S.B. 681, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COUNTIES AND MUNICIPALITIES FROM REGULATING CERTAIN FORESTRY AND AGRICULTURAL ACTIVITIES.

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

By Senators Holloman; Apodaca, Bingham, Cowell, Graham, Hartsell, Jacumin, Jenkins, Kerr, Malone, Purcell, Stevens and Swindell:

S.B. 682, A BILL TO BE ENTITLED AN ACT TO EXTEND TO PUBLIC HEATH AUTHORITIES THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES.

Referred to the **Finance Committee**.

By Senators Holloman; Apodaca, Berger of Franklin, Bingham, Cowell, Graham, Hartsell, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Purcell, Stevens and Swindell:

S.B. 683, 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 Senators Holloman; Apodaca, Berger of Franklin, Cowell, Graham, Jenkins, Malone, Nesbitt, Stevens and Swindell:

S.B. 684, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INVESTMENT INCENTIVE AND AN APPROPRIATION FOR AN ADVANCED VEHICLE RESEARCH CENTER AND AUTOMOTIVE PROVING GROUND IN NORTHAMPTON COUNTY AND TO MAKE TECHNICAL CORRECTIONS.

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

By Senators Bingham, Rand; Forrester, Garwood, Stevens and Swindell:

S.B. 685, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, DECREASING THE FEE FOR LIMITED LICENSES,

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ESTABLISHING THE REQUIREMENTS FOR LIMITED LICENSES, REQUIRING THE COMMISSIONER OF INSURANCE TO ADOPT RULES FOR ALTERNATIVE LICENSES, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE PRIOR TO MARCH 31, 2006, CHANGING THE EFFECTIVE DATE FOR LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS TO JULY 1, 2005, PROVIDING A TRANSITION PERIOD FOR ORGANIZATIONS REGISTERING UNDER ARTICLE 89 OF CHAPTER 58 OF THE GENERAL STATUTES, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS.

Referred to the **Commerce Committee**.

By Senators Dalton, Snow; Albertson, Apodaca, Atwater, Berger of Franklin, Bingham, Blake, Boseman, Brown, Dannelly, Dorsett, Hagan, Hartsell, Holloman, Jacumin, Kerr, Lucas, Malone, Nesbitt, Purcell, Rand, Swindell, Thomas and Weinstein:

S.B. 686, A BILL TO BE ENTITLED AN ACT TO ADD PSEUDOEPHEDRINE, A CRITICAL INGREDIENT IN THE MANUFACTURE OF THE ILLEGAL DRUG METHAMPHETAMINE, TO SCHEDULE V OF THE CONTROLLED SUBSTANCES LIST, TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO COMBAT THE MANUFACTURE OF METHAMPHETAMINE, TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUES RELATING TO THE ABUSE OF METHAMPHETAMINE.

Referred to the **Judiciary II Committee**.

By Senator Kerr:

S.B. 687, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE VOLUNTEER RESCUE/EMS FUND.

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

By Senator Kerr:

S.B. 688, A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNSEL APPOINTED TO REPRESENT PARENTS IN TERMINATION OF PARENTAL RIGHTS CASES OR IN CASES IN WHICH THE JUVENILE IS ALLEGED TO BE ABUSED, NEGLECTED, OR DEPENDENT TO CONTINUE REPRESENTATION DURING THE APPEALS PROCESS.

Referred to the **Judiciary II Committee**.

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By Senators Kinnaird; and Rand:

S.B. 689, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CLERK OF SUPERIOR COURT IS RESPONSIBLE FOR PROVIDING COPIES OF THE TRIAL FILE TO APPOINTED APPELLATE COUNSEL IN INDIGENT CASES.

Referred to the **Judiciary II Committee**.

By Senators Rand; Apodaca, Atwater, Bingham, Brown, Dannelly, Dorsett, Garrou, Hagan, Lucas, Purcell, Snow, Stevens, Swindell, Thomas, Tillman and Weinstein:

S.B. 690, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE KIDS VOTING OF NORTH CAROLINA PROGRAM.

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

By Senator Rand:

S.B. 691, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

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

By Senators Rand; Berger of Franklin, Bingham, Cowell, Dorsett, Graham, Horton, Malone, Purcell and Stevens:

S.B. 692, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT.

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

By Senator Rand:

S.B. 693, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT JURORS MAY NOT PROFIT FROM THEIR JURY SERVICE AND SHALL BE SUBJECT TO FORFEITURE OF SUCH PROFITS.

Referred to the **Judiciary I Committee**.

By Senators Rand and Dalton:

S.B. 694, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF CARVERS CREEK STATE PARK TO THE STATE PARKS SYSTEM, AND TO AUTHORIZE THE ADDITION OF A STATE PARK IN THE HICKORY NUT GORGE/CHIMNEY ROCK AREA TO THE STATE PARKS SYSTEM.

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

By Senators Nesbitt; Atwater, Berger of Franklin, Dalton, Dorsett, Hartsell, Holloman, Snow and Thomas:

S.B. 695, 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 AS RECOMMENDED BY COALITION 2001.

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

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By Senators Nesbitt; Atwater, Berger of Franklin, Dalton, Dorsett, Hartsell, Holloman, Snow and Thomas:

S.B. 696, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, FOR COMMUNITY CAPACITY DEVELOPMENT, AS RECOMMENDED BY COALITION 2001.

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

By Senators Nesbitt; Atwater, Berger of Franklin, Dalton, Dorsett, Hartsell, Holloman, Snow and Thomas:

S.B. 697, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FOR RESIDENTIAL SERVICES, AS RECOMMENDED BY COALITION 2001.

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

By Senators Nesbitt; Atwater, Dalton, Hartsell, Holloman and Thomas:

S.B. 698, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, FOR CRISIS SERVICES, AS RECOMMENDED BY COALITION 2001.

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

By Senators Nesbitt; Atwater, Dalton, Hartsell and Thomas:

S.B. 699, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, AS RECOMMENDED BY COALITION 2001.

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

By Senators Nesbitt; Apodaca, Atwater, Dalton, Forrester, Hartsell, Presnell, Snow, Swindell and Thomas:

S.B. 700, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CUSTOMIZED INDUSTRY TRAINING PROGRAM.

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

By Senators Nesbitt; and Hartsell:

S.B. 701, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO CLARIFY THE LAW PROVIDING LEGISLATIVE OVERSIGHT OF AGENCY FEES AND CHARGES.

Referred to the **Judiciary I Committee**.

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By Senators Nesbitt; and Snow:

S.B. 702, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF EIGHTEEN AND TO INCREASE THE PENALTY FOR TRUANCY.

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

By Senators Nesbitt; Atwater and Holloman:

S.B. 703, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE FOR RATE AND INFLATIONARY INCREASES IN STATE-FUNDED MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES THAT CORRESPOND TO RATE AND INFLATIONARY INCREASES FOR EQUIVALENT MEDICAID SERVICES.

Referred to the **Health Care Committee**.

By Senators Nesbitt; Atwater, Dalton, Hartsell, Snow, and Thomas:

S.B. 704, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FOR CHILDREN SERVICES, AS RECOMMENDED BY COALITION 2001.

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

By Senator Nesbitt:

S.B. 705, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD.

Referred to the **Judiciary I Committee**.

By Senator Garwood:

S.B. 706, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A FAMILY COURT PILOT PROGRAM IN DISTRICT COURT DISTRICT 23.

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

By Senator Berger of Rockingham:

S.B. 707, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE THIRTY-DAY DEADLINES IMPOSED UPON AGENTS AND BAIL BONDSMEN SEEKING INTERNAL ADMINISTRATIVE REVIEW OF A DENIAL OF LICENSURE AND SUBSEQUENTLY SEEKING A HEARING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL STATUTES ARE MANDATORY, NOT DISCRETIONARY.

Referred to the **Judiciary I Committee**.

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By Senator Berger of Rockingham:

S.B. 708, A BILL TO BE ENTITLED AN ACT PROVIDING PUBLIC LIBRARIES WITH AN EXEMPTION FROM THE MAINTENANCE OF EFFORT REQUIREMENT FOR RECEIVING STATE GRANTS.

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

By Senators Swindell; Atwater and Thomas:

S.B. 709, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF A DEPARTMENT TO SET THE SALARY SUPPLEMENT FOR TEACHERS WORKING AT SCHOOLS OPERATED BY THE DEPARTMENT.

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

By Senators Swindell; Albertson, Atwater, Bingham, Boseman, Holloman, Hoyle, Jenkins, Malone, Rand, Stevens, Thomas and Tillman:

S.B. 710, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS FOR CAREER FIREFIGHTERS AND CAREER RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

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

By Senators Swindell, Stevens; Albertson, Apodaca, Bingham, Forrester, Garwood, Holloman, Hoyle, Jenkins, Thomas, Tillman, and Weinstein:

S.B. 711, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO ACCEPT, IN ADDITION TO EXAMINATIONS CONDUCTED BY THE BOARD, THE RESULTS OF OTHER BOARD-APPROVED REGIONAL OR NATIONAL INDEPENDENT THIRD-PARTY CLINICAL EXAMINATIONS OF APPLICANTS SEEKING A LICENSE TO PRACTICE DENTISTRY; AND AUTHORIZING THE BOARD TO ACQUIRE REAL PROPERTY.

Referred to the **Health Care Committee**.

By Senator Dalton:

S.B. 712, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON TRAINING AND REEMPLOYMENT CONTRIBUTIONS MADE BY EMPLOYERS.

Referred to the **Finance Committee**.

By Senator Dalton:

S.B. 713, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ALLIED HEALTH AND SCIENCE BUILDING AT CLEVELAND COMMUNITY COLLEGE.

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

By Senator Dalton:

S.B. 714, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A LIFELONG LEARNING CENTER AT ISOTHERMAL COMMUNITY COLLEGE.

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

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By Senator Dalton:

S.B. 715, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE.

Referred to the **Commerce Committee**.

By Senators Dalton; and Snow:

S.B. 716, A BILL TO BE ENTITLED AN ACT TO EXPAND THE FINDINGS, THE PURPOSE, AND THE APPROVED PRACTICES OF THE CURRENT FOREST DEVELOPMENT ACT.

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

By Senators Dorsett; Atwater, Dannelly, Graham, Lucas, Malone, Purcell and Stevens:

S.B. 717, 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**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 11 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS.

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

H.B. 131, A BILL TO BE ENTITLED AN ACT TO ADD ONSLOW 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**.

H.B. 218 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALTER THE DISTRIBUTION OF THE NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES AT THE TOWN OF CLINTON ALCOHOLIC BEVERAGE CONTROL STORES.

Referred to the **State & Local Government Committee**.

H.B. 458, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE.

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

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H.B. 508, A BILL TO BE ENTITLED AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE DIVORCE WAS GRANTED.

Referred to the **Judiciary II Committee**.

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 627 (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF DR. WILLA B. PLAYER, WHILE OBSERVING WOMEN'S HISTORY MONTH.

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.

The joint resolution passes its second reading (43-0) and third reading with members standing, and is ordered enrolled.

Upon motion of Senator Lucas, the Chair extends the courtesies of the gallery to Dr. Johnnetta B. Cole, Fourteenth President of Bennett College for Women; Dr. Linda Brown, Assistant to the President and Distinguished Willa B. Player Professor at Bennett College and niece of Dr. Willa B. Player; Mr. James Staton; and Mary Jacobs and Bernadette Watts, Bennett College Alumnae from Durham.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns in honor of Bennett College and women of North Carolina, at 8:06 P.M. to meet tomorrow, Tuesday, March 22, at 3:30 P.M.

THIRTY-SECOND DAY

Senate Chamber
Tuesday, March 22, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, there are people who are one-hundred percent sure on most issues. They are ready to make pronouncements to that end. I'm not as impressed with

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answers as I once was. How do we answer tough questions in today's headlines like the Terry Shiavo case in Florida or why a young high school student would kill his grandparents and eight other fellow students on a Native American reservation in Minnesota. I think more important than answers is the Answerer. You are with us. That's what we all need. Thank you for your presence when the answers aren't forthcoming. Amen."

The Chair grants leaves of absence for today to Senator Atwater, Senator Dorsett and Senator Malone.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, March 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Jack A. Lucas from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Amanda Auston from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 627, A JOINT RESOLUTION HONORING THE MEMORY OF DR. WILLA B. PLAYER, WHILE OBSERVING WOMEN'S HISTORY MONTH. (Res. 17)

ADDITIONAL SPONSORS

Senator Goodall requests to be added as a sponsor of previously introduced legislation:

S.B. 150, A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS OF THE NORTH CAROLINA TURNPIKE AUTHORITY.

S.B. 583, A BILL TO BE ENTITLED AN ACT CREATING A FUND TO PROVIDE A DEATH BENEFIT FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD KILLED IN THE LINE OF DUTY AND TO PROVIDE A FREE HIGHER EDUCATION FOR QUALIFIED DEPENDENTS OF THOSE MEMBERS.

S.B. 668, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A UNIFORM PROCEDURE FOR TAX REFUND CLAIMS.

Senator Garwood requests to be added as a sponsor of previously introduced legislation:

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S.B. 254, A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY IN THE SCHOOL CALENDAR TO ACCOMMODATE EXTRAORDINARY CIRCUMSTANCES CAUSED BY HURRICANES FRANCES AND IVAN.

Upon motion of Senator Dannelly, seconded by Senator Apodaca, the Senate adjourns in memory of Representative John Douglas Hall, subject to introduction of bills, to meet tomorrow, Wednesday, March 23, at 3:30 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Hoyle; and Bingham:

S.B. 718, A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR SELLING AND INSTALLING MODULAR HOMES.
Referred to the **Commerce Committee**.

By Senators Hoyle; Bingham and Hartsell:

S.B. 719, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INCOME TAX INCENTIVE FOR CORPORATIONS THAT MAKE A LONG-TERM ECONOMIC COMMITMENT IN THE STATE, THEREBY SUSTAINING AND STRENGTHENING NORTH CAROLINA'S ECONOMY.

Referred to the **Finance Committee**.

By Senators Hoyle; and Bingham:

S.B. 720, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO CHARGE AND COLLECT A LATE FILING FEE FOR LICENSEES THAT APPLY FOR RENEWAL OF THE LICENSE AFTER THE LICENSE HAS EXPIRED AND TO ELIMINATE SUPPLEMENTAL LICENSING BY THE MANUFACTURED HOUSING BOARD.

Referred to the **Finance Committee**.

By Senators Hoyle; and Bingham:

S.B. 721, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE FUNCTIONING OF THE WORKERS' COMPENSATION SELF-INSURED GUARANTY ASSOCIATION AND THE ENFORCEMENT AUTHORITY WITH RESPECT TO WORKERS' COMPENSATION SELF-INSURERS.

Referred to the **Commerce Committee**.

By Senators Thomas; Apodaca, Bingham, Brown, Dalton, Forrester, Garwood, Hoyle, Jenkins, Rand and Weinstein:

S.B. 722, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX CERTAIN COMPENSATION PAID TO MILITARY PERSONNEL.

Referred to the **Finance Committee**.

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By Senators Thomas; Apodaca, Bingham, Brown, Dalton, Forrester, Garwood, Hoyle, Jenkins, Rand, Swindell and Weinstein:

S.B. 723, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM MONTHLY PENSION BENEFITS FOR RETIRED MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD.

Referred to the **Pensions & Retirement and Aging Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Thomas; Apodaca, Bingham, Brown, Dalton, Forrester, Garwood, Hoyle, Jenkins, Rand, Swindell and Weinstein:

S.B. 724, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEPENDENTS OF MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD PAY IN-STATE TUITION.

Referred to the **Education/Higher Education Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Thomas; Apodaca, Bingham, Brown, Dalton, Forrester, Garwood, Hoyle, Jenkins, Rand and Weinstein:

S.B. 725, A BILL TO BE ENTITLED AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD.

Referred to the **Education/Higher Education Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Berger of Rockingham; and Bingham:

S.B. 726, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE AUTHORITY OF THE STATE TO CONDEMN PROPERTY FOR STATE PARKS, STATE GAMESLANDS, AND CONSERVATION PURPOSES.

Referred to the **Judiciary I Committee**.

By Senator Berger of Rockingham:

S.B. 727, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES.

Referred to the **Commerce Committee**.

By Senators Berger of Rockingham; and Bingham:

S.B. 728, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO PAY SCHOOL NURSES WHO ARE CERTIFIED IN DEVELOPMENTAL DISABILITIES NURSING THE SAME AMOUNT AS OTHER CERTIFIED NURSES.

Referred to the **Education/Higher Education Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Hoyle; and Bingham:

S.B. 729, A BILL TO BE ENTITLED AN ACT TO CLARIFY INCLUDABLE INTEREST CHARGES FOR USED MOTOR VEHICLES UNDER THE RETAIL INSTALLMENT SALES ACT.

Referred to the **Commerce Committee**.

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By Senators Hoyle; and Bingham:

S.B. 730, A BILL TO BE ENTITLED AN ACT TO CLARIFY DEFINITIONS AND REMEDIES UNDER THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS.

Referred to the **Commerce Committee**.

By Senator Weinstein:

S.B. 731, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF RAEFORD FOR DOWNTOWN REDEVELOPMENT.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Weinstein:

S.B. 732, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A NEW HANGAR AT THE LUMBERTON MUNICIPAL AIRPORT FOR THE AVIATION SCHOOL.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Graham; Berger of Franklin, Bingham, Cowell, Dalton, Dannelly, Dorsett, Holloman, Hoyle, Kinnaird, Lucas, Malone, Rand, Swindell and Weinstein:

S.B. 733, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA STREET GANG PREVENTION ACT AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STREET GANG PREVENTION.

Referred to the **Judiciary II Committee**.

By Senator Boseman:

S.B. 734, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 4 OF CHAPTER 45 RELATING TO THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.

Referred to the **Judiciary I Committee**.

By Senators Rand; Bingham and Webster:

S.B. 735, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS AND AMEND THE REVENUE LAWS TO MAKE CORRESPONDING CHANGES IN THE DEFINITIONS OF ALCOHOLIC BEVERAGES.

Referred to the **Commerce Committee**.

By Senator Rand:

S.B. 736, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE FORT BRAGG/POPE AIR FORCE BASE REGIONAL LAND USE ADVISORY COMMISSION, INC., FOR OPERATING EXPENSES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Rand; and Bingham:

S.B. 737, A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL RECORDS CHECKS FOR COUNTY GOVERNMENTS.

Referred to the **Judiciary I Committee**.

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By Senator Rand:

S.B. 738, A BILL TO BE ENTITLED AN ACT TO STRICTLY ENFORCE THE SENTENCING LAWS FOR DRIVING WHILE IMPAIRED OFFENSES.

Referred to the **Judiciary I Committee**.

By Senators Rand; and Bingham:

S.B. 739, A BILL TO BE ENTITLED AN ACT TO OPEN UP THE HEALTH INSURANCE MARKET FOR SMALL EMPLOYERS IN NORTH CAROLINA.

Referred to the **Commerce Committee**.

By Senators Rand; and Bingham:

S.B. 740, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS.

Referred to the **Health Care Committee**.

By Senator Rand:

S.B. 741, A BILL TO BE ENTITLED AN ACT TO ALLOW THE UNIVERSITY OF NORTH CAROLINA TO PROCEED WITH A HEALTH CARE INITIATIVE FOR ITS EMPLOYEES AND TO ESTABLISH A PILOT PROJECT OF THE STATE HEALTH PLAN TO IMPROVE EMPLOYEE CHOICE, INCREASE AFFORDABILITY OF DEPENDENT COVERAGE, AND INCREASE EMPHASIS ON WELLNESS AND DISEASE MANAGEMENT.

Referred to the **Select Committee on Teachers and State Employees' Health Plan**.

By Senator Rand:

S.B. 742, A BILL TO BE ENTITLED AN ACT TO MAKE STATUTORY CONFORMING CHANGES REQUIRED BY AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE LIEUTENANT GOVERNOR EX OFFICIO SECRETARY OF STATE.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 743, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CAMPUSES OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH CAMPUS STANDARDS FOR BUILDING COMPONENTS AND TO SPECIFY THE COMPONENTS BY BRAND WHEN WRITING CONSTRUCTION SPECIFICATIONS.

Referred to the **Commerce Committee**.

By Senator Rand:

S.B. 744, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC HEALTH INCUBATORS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 745, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN INVESTIGATIVE GRAND JURY MAY INVESTIGATE CERTAIN ALLEGED

CRIMES IN ADDITION TO THOSE RELATING TO CONTROLLED SUBSTANCES AND TO AMEND THE PROCEDURE FOR CONVENING AN INVESTIGATIVE GRAND JURY.

Referred to the **Judiciary I Committee**.

By Senators Rand; and Bingham:

S.B. 746, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON ARRESTED OF A VIOLENT FELONY OR CERTAIN OTHER CRIMINAL OFFENSES.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 747, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUED OPERATION OF THE MILITARY BUSINESS CENTER.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 748, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURE FOR IMPLEMENTING AN ORDER FOR ELECTRONIC SURVEILLANCE, TO PROVIDE THAT IN CERTAIN CIRCUMSTANCES IT IS NOT NECESSARY TO IDENTIFY THE PLACE WHERE THE COMMUNICATION WILL BE INTERCEPTED BY ELECTRONIC SURVEILLANCE, AND ALSO TO PROVIDE THE TIME FRAME WITHIN WHICH THE ELECTRONIC SURVEILLANCE IN AN UNDISCLOSED LOCATION MAY BEGIN.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 749, A BILL TO BE ENTITLED AN ACT TO AMEND THE ALLOCATION OF FUNDS AND CONTRIBUTION COMMITMENTS FOR THE DISTINGUISHED PROFESSOR ENDOWMENT TRUST FUND AND THE SUM REQUIRED TO ESTABLISH AN ENDOWED CHAIR.

Referred to the **Education/Higher Education Committee**.

By Senator Rand:

S.B. 750, A BILL TO BE ENTITLED AN ACT TO CONFORM PRESCRIPTION DRUG COPAYMENTS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO THE MEDICARE MODERNIZATION ACT.

Referred to the **Select Committee on Teachers and State Employees' Health Plan**.

By Senator Rand:

S.B. 751, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR

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MEDICAL PLAN IN ORDER TO PROVIDE AFFORDABLE HEALTH BENEFIT OPTIONS TO COVERED EMPLOYEES.

Referred to the **Select Committee on Teachers and State Employees' Health Plan**.

By Senators Rand; and Bingham:

S.B. 752, A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES SERVING LOW-WEALTH COUNTIES TO RETAIN THEIR REVERSIONS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Rand; and Bingham:

S.B. 753, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENABLE DEAF CHILDREN WITH COCHLEAR IMPLANTS TO MAXIMIZE THEIR POTENTIAL TO DEVELOP SPOKEN LANGUAGE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Nesbitt; Apodaca and Garwood:

S.B. 754, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HIGHWAY PATROL AIRCRAFT OPERATIONS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Nesbitt; and Apodaca:

S.B. 755, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE MAY RETAIN THE PROCEEDS FROM THE SALE OF REAL PROPERTY AND USE THE PROCEEDS TO CONSTRUCT OR ACQUIRE A NEW CHANCELLOR'S RESIDENCE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 756, A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE STATE BUILDING COMMISSION.

Referred to the **Commerce Committee**.

By Senator Nesbitt:

S.B. 757, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

Referred to the **Commerce Committee**.

By Senator Nesbitt:

S.B. 758, A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT TO BROADEN THE SCOPE OF ACTIVITIES THAT MAY BE OFFERED BY THE UNIVERSITY OF NORTH CAROLINA PROVIDED THE ACTIVITIES ARE NOT, IN FACT, UNFAIR COMPETITION.

Referred to the **Commerce Committee**.

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By Senator Thomas:

S.B. 759, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE FORTY-FIVE ASSISTANT DISTRICT ATTORNEYS AND TWENTY-TWO VICTIM WITNESS LEGAL ASSISTANTS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou:

S.B. 760, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE OPERATION OF THE DELTA ARTS CENTER.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou:

S.B. 761, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A CENTER FOR EMERGING TECHNOLOGIES AT FORSYTH TECHNICAL COMMUNITY COLLEGE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Cowell; Kinnaird, Lucas, Malone and Stevens:

S.B. 762, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A RESIDENTIAL FACILITY AT THE PRAIRIE RIDGE ECOSTATION FOR WILDLIFE AND LEARNING.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Cowell; Dannelly, Garrou, Graham, Hunt, Kinnaird, Lucas, Malone and Stevens:

S.B. 763, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN CERTAIN LARGE COUNTIES.

Referred to the **Judiciary I Committee**.

By Senators Purcell; Albertson, Boseman, Dannelly, Holloman, Kinnaird, Lucas and Malone:

S.B. 764, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE ASSIGNMENT OF BENEFITS UNDER HEALTH INSURANCE POLICIES.

Referred to the **Commerce Committee**.

By Senators Purcell; Albertson, Bingham, Dannelly, Holloman, Lucas and Malone:

S.B. 765, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF BOARD MEMBERS FOR CERTAIN MULTICOUNTY AREA PROGRAMS.

Referred to the **Health Care Committee**.

By Senators Purcell; Albertson, Atwater, Boseman, Dannelly, Holloman, Kinnaird, Lucas, Malone and Rand:

S.B. 766, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADDRESS THE PUBLIC HEALTH AIDS CRISIS.

Referred to the **Appropriations/Base Budget Committee**.

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By Senators Purcell; Albertson, Atwater, Boseman, Dannelly, Holloman, Kinnaird, Lucas, Malone and Rand:

S.B. 767, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUPPORT ASTHMA EDUCATION ACTIVITIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Albertson, Atwater, Bingham, Boseman, Dannelly, Holloman, Kinnaird, Lucas, Malone and Rand:

S.B. 768, A BILL TO BE ENTITLED AN ACT TO CONTROL UTILIZATION AND COST IN THE NC HEALTH CHOICE PROGRAM.

Referred to the **Health Care Committee**.

By Senators Purcell; Albertson, Atwater, Bingham, Dannelly, Holloman, Kinnaird, Lucas, Malone and Rand:

S.B. 769, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE MATCHING FUNDS FOR THE AMERICORPS PROJECT IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Albertson, Atwater, Boseman, Dannelly, Holloman, Kinnaird, Lucas, Malone and Rand:

S.B. 770, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR DIABETES PREVENTION AND CONTROL.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Albertson, Atwater, Dannelly, Holloman, Kinnaird, Lucas, Malone and Rand:

S.B. 771, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE COMMUNITY-FOCUSED ELIMINATING HEALTH DISPARITIES INITIATIVE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Albertson, Atwater, Boseman, Dannelly, Holloman, Kinnaird, Lucas, Malone and Rand:

S.B. 772, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ADAP PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Albertson, Atwater, Boseman, Dannelly, Kinnaird, Lucas and Malone:

S.B. 773, A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY.

Referred to the **State & Local Government Committee**.

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By Senators Purcell; Dannelly, Kinnaird, Lucas and Malone:

S.B. 774, A BILL TO BE ENTITLED AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS.

Referred to the **Judiciary II Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Snow, Rand; Atwater, Berger of Franklin, Boseman, Garrou, Kerr, Swindell and Thomas:

S.B. 775, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATING TO CHILD SUPPORT ENFORCEMENT IN ORDER TO CLARIFY AND ENHANCE THOSE LAWS.

Referred to the **Judiciary II Committee**.

By Senators Snow; Apodaca, Atwater, Berger of Franklin, Blake, Boseman, Brock, Cowell, Dalton, East, Garrou, Goodall, Graham, Holloman, Hunt, Kerr, Kinnaird, Nesbitt, Presnell, Purcell, Rand, Smith, Stevens, Swindell, Thomas, Tillman and Weinstein:

S.B. 776, A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN.

Referred to the **Judiciary II Committee**.

By Senator Snow:

S.B. 777, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO JACKSON COUNTY FOR THE PURCHASE OF A FIRE TRUCK AND EQUIPMENT FOR THE CULLOWHEE VOLUNTEER FIRE DEPARTMENT.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Snow:

S.B. 778, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS REGULATING LICENSURE FOR PRIVATE PROTECTIVE SERVICES.

Referred to the **Judiciary II Committee**.

By Senators Snow and Garrou:

S.B. 779, A BILL TO BE ENTITLED AN ACT TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT TRI-COUNTY COMMUNITY COLLEGE BY WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE COMMUNITY COLLEGE TUITION AND TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE UNIVERSITY TUITION.

Referred to the **Education/Higher Education Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

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By Senator Snow:

S.B. 780, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL MAGISTRATES IN MACON AND GRAHAM COUNTIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Snow; Rand, Soles and Thomas:

S.B. 781, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH SEVENTY-FIVE NEW ASSISTANT DISTRICT ATTORNEY POSITIONS THROUGHOUT THE STATE, TO ESTABLISH THIRTY-NINE NEW VICTIM WITNESS ASSISTANT POSITIONS, TO BEGIN FUNDING OF AN AUTOMATED DISCOVERY SYSTEM, AND TO PROVIDE ADDITIONAL STEPS IN LONGEVITY PAY FOR DISTRICT ATTORNEYS AND ASSISTANT DISTRICT ATTORNEYS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Kinnaird:

S.B. 782, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE FAIR HOUSING ACT TO PROHIBIT DISCRIMINATION ON THE BASIS OF LAWFUL SOURCE OF INCOME.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:07 P.M.

THIRTY-THIRD DAY

Senate Chamber
Wednesday, March 23, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Marty Jacumin, Raleigh, North Carolina, son of Senator Jacumin, and a Doctoral Student at Southeastern Seminary, as follows:

"Our Father in Heaven, Lord, we count it a joy to be here today, Lord, to be here to represent the people of this great State. Lord, I pray that you will be with these men and women as they lead this State. As they make decisions, Lord, I pray that they will seek your counsel and your guidance. Lord, I pray that you will strengthen them. Lord, I pray that you will be with their families, Lord, whether you are here with them or they are back in their representative communities. Lord, I pray that you will undergird them and strengthen them during this time. Lord, I thank you for the leaders of the Senate and, Lord, the pages, Lord, all those who come together, Lord, to make this process that we

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know and love - of our government. We know that these are the people that make it work. Lord, I just pray that you will bless them today and be with us during this time in this session. And, Lord, we pray this in the name of our Lord and Savior, Jesus Christ. Amen."

The Chair grants a leave of absence for today to Senator Dorsett.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, March 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 privileges of the floor to Dr. Brian M. Parkes from Laurinburg, North Carolina, who is serving the Senate as Doctor of the Day, and to Sandra Tucker-Franks from Goldsboro, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

S.B. 506, A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH PUBLIC LAW 107-260, THE BENIGN BRAIN TUMOR CANCER REGISTRIES AMENDMENT, with a favorable report.

S.B. 572, A BILL TO BE ENTITLED AN ACT TO CREATE A LICENSURE CATEGORY FOR ASSISTED LIVING COMMUNITIES THAT SERVE ONLY ELDERLY ADULTS, with a favorable report.

By Senator Garwood for the **Education/Higher Education Committee**:

S.B. 408, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE, with a favorable report.

S.B. 571, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL, with a favorable report.

By Senator Holloman for the **State & Local Government Committee**:

S.B. 586, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF NEW STATE PARKS AT CARVERS CREEK AND IN THE HICKORY NUT GORGE/CHIMNEY ROCK AREA TO THE STATE PARKS SYSTEM, with a favorable report.

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S.B. 606, A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF COMMISSIONERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION, with a favorable report.

ADDITIONAL SPONSOR

Senator Garwood requests to be added as a sponsor of previously introduced legislation:

S.B. 721, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE FUNCTIONING OF THE WORKERS' COMPENSATION SELF-INSURED GUARANTY ASSOCIATION AND THE ENFORCEMENT AUTHORITY WITH RESPECT TO WORKERS' COMPENSATION SELF-INSURERS.

Upon motion of Senator Basnight, seconded by Senator Nesbitt, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet tomorrow, Thursday, March 24, at 12:00 Noon.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Forrester; Allran, Bingham, Brock, Garwood, Goodall, Hunt, Presnell and Tillman:

S.B. 783, A BILL TO BE ENTITLED AN ACT REQUIRING THAT DATA AGGREGATORS AND OTHER BUSINESSES IMMEDIATELY NOTIFY INDIVIDUALS OF UNAUTHORIZED OR FRAUDULENT ACCESS TO PERSONAL INFORMATION FOLLOWING INFORMATION SECURITY BREACHES.

Referred to the **Commerce Committee**.

By Senators Forrester; Allran, Brock, Goodall, Hunt, Presnell, Smith and Tillman:

S.B. 784, A BILL TO BE ENTITLED AN ACT PROVIDING THAT EXPRESSIONS MADE PRIOR TO THE CONVENING OF MEETINGS OF GOVERNING BODIES ARE CONSISTENT WITH FIRST AMENDMENT RIGHTS.

Referred to the **Judiciary I Committee**.

By Senators Garwood; Apodaca, Brown, Forrester, Goodall, Presnell, Stevens and Tillman:

S.B. 785, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW PROHIBITING THE REMOVAL OF ELECTRONIC COLLARS FROM DOGS APPLY STATEWIDE.

Referred to the **Judiciary II Committee**.

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By Senators Hoyle; and Bingham:

S.B. 786, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEED FOR FURTHER AMENDMENTS TO THE STATE BANKING LAWS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Hoyle; and Bingham:

S.B. 787, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING THE CONTINUING EDUCATION OF MORTGAGE BROKERS BY ESTABLISHING REQUIREMENTS FOR LIVE BROADCASTS OF CONTINUING EDUCATION COURSES.

Referred to the **Commerce Committee**.

By Senator Soles:

S.B. 788, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NEW HOPE CLINIC IN BRUNSWICK COUNTY FOR OPERATING EXPENSES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Stevens; and Bingham:

S.B. 789, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNIVERSITY OF NORTH CAROLINA IS NOT REQUIRED TO HAVE CONSULTANT CONTRACTS PREAPPROVED BY THE GOVERNOR OR HIS DESIGNEE.

Referred to the **Education/Higher Education Committee**.

By Senator Berger of Rockingham:

S.B. 790, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SOUND MANAGEMENT PROGRAM FOR FORESTLAND REQUIRED BY THE PRESENT-USE VALUE PROPERTY TAX LAWS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Berger of Rockingham:

S.B. 791, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE TIME WITHIN WHICH HEALTH CARE PROVIDERS ARE PROHIBITED FROM DIRECT SOLICITATION OF PROSPECTIVE PATIENTS.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; and Bingham:

S.B. 792, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS.

Referred to the **Judiciary I Committee**.

March 23, 2005

By Senators Berger of Rockingham; Apodaca, Bingham, Brown, Forrester, Goodall, Jacumin, Kinnaird, Stevens, Thomas, Tillman and Webster:

S.B. 793, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PRIVACY ACT TO PROVIDE THAT SOCIAL SECURITY NUMBERS SHALL NOT APPEAR ON CITATIONS AND OTHERWISE LIMITING THE DISCLOSURE OF SOCIAL SECURITY NUMBERS BY GOVERNMENT AGENCIES.

Referred to the **Judiciary I Committee**.

By Senator Thomas:

S.B. 794, A BILL TO BE ENTITLED AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS.

Referred to the **Judiciary II Committee**.

By Senators Thomas; Atwater and Bingham:

S.B. 795, 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 CONSENTS FROM THE INSURED OR CLAIMANT AND PROHIBITING THE NONREPLACEMENT OF AIR BAGS.

Referred to the **Commerce Committee**.

By Senator Thomas:

S.B. 796, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CRIMINAL RECORD CHECKS OF APPLICANTS FOR PERMITS AND LICENSES TO CONDUCT ARCHAEOLOGICAL OPERATIONS AND INVESTIGATIONS.

Referred to the **Judiciary II Committee**.

By Senators Thomas; and Hoyle:

S.B. 797, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FORFEITURE OF A BAIL BOND SHALL BE SET ASIDE IF THE DEFENDANT FOR WHOM THE BOND WAS POSTED WAS INCARCERATED ANYWHERE AT THE TIME OF THE FAILURE TO APPEAR, TO PROVIDE THAT BOND SHALL NOT BE FORFEITED UNLESS THE SURETY OR BAIL AGENT HAD ACTUAL KNOWLEDGE THAT THE DEFENDANT HAD FAILED TO APPEAR ON TWO OR MORE OCCASIONS ON THE SAME CHARGE, AND TO PROVIDE THAT BOND SHALL BE REMITTED IF THE DEFENDANT RECEIVES A PRAYER FOR JUDGMENT CONTINUED OR DEFERRED PROSECUTION.

Referred to the **Judiciary II Committee**.

By Senators Hartsell; and Bingham:

S.B. 798, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF SOIL CONDITIONS RELATED TO THE SUITABILITY OF SITES FOR ON-SITE WASTEWATER DISPOSAL.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

March 23, 2005

By Senators Hartsell; and Bingham:

S.B. 799, A BILL TO BE ENTITLED AN ACT PERTAINING TO REPORTING REQUIREMENTS UNDER THE TRADE JOBS FOR SUCCESS INITIATIVE.

Referred to the **Education/Higher Education Committee**.

By Senators Hartsell; and Bingham:

S.B. 800, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE TRADE JOBS FOR SUCCESS INITIATIVE TO STIMULATE JOB GROWTH AND HIRING IN NORTH CAROLINA.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hartsell; and Bingham:

S.B. 801, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC HEALTH INCUBATORS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hartsell:

S.B. 802, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ALLOCATION TO ACCREDITED LOCAL PUBLIC HEALTH AGENCIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hartsell; and Bingham:

S.B. 803, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY HEALTH GRANTS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hartsell:

S.B. 804, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING AN ACCREDITATION SYSTEM FOR LOCAL HEALTH DEPARTMENTS, AS RECOMMENDED BY THE PUBLIC HEALTH TASK FORCE 2004, AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

Referred to the **Education/Higher Education Committee**.

By Senators Hartsell; and Bingham:

S.B. 805, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION.

Referred to the **Judiciary II Committee**.

By Senators Hartsell; and Bingham:

S.B. 806, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT, MEDIATION IN DISTRICT COURT DOMESTIC CASES, AND THE REGULATION OF MEDIATORS, AS RECOMMENDED BY THE DISPUTE RESOLUTION COMMISSION.

Referred to the **Judiciary II Committee**.

March 23, 2005

By Senators Hartsell; and Bingham:

S.B. 807, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BETTER OVERSIGHT AND COORDINATION OF ECONOMIC DEVELOPMENT INITIATIVES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Apodaca:

S.B. 808, A BILL TO BE ENTITLED AN ACT TO COUNT SERVICE AS A DEPUTY CLERK OR AS A MAGISTRATE IN DETERMINING LONGEVITY PAY FOR CLERKS OF SUPERIOR COURT.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Apodaca; and Bingham:

S.B. 809, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL NOTICES OF SALE INDICATE THAT THE SALE MAY BE DELAYED AND TO DIRECT THE DISPOSITION OF PROCEEDS FROM FORECLOSURE SALES TO PROTECT SECOND AND SUCCESSOR MORTGAGEES AND JUDGMENT CREDITORS.

Referred to the **Judiciary II Committee**.

By Senators Apodaca; and Bingham:

S.B. 810, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONFERENCE OF CLERKS OF SUPERIOR COURT.

Referred to the **Judiciary II Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Apodaca and Dalton:

S.B. 811, A BILL TO BE ENTITLED AN ACT TO DIVIDE SUPERIOR COURT, DISTRICT COURT, AND PROSECUTORIAL DISTRICTS 29 INTO DISTRICTS 29A AND 29B.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter:

S.B. 812, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY MOTION TO COMPEL A SUBPOENAED PERSON'S APPEARANCE AT A DEPOSITION OR THE PRODUCTION OF MATERIALS TO BE FILED IN THE COUNTY IN WHICH THE ACTION IS PENDING.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 813, A BILL TO BE ENTITLED AN ACT TO LEVY AN EXCISE TAX PAYABLE ON TOBACCO PRODUCTS SOLD IN NORTH CAROLINA AND TO ALLOW FOR CERTAIN CREDITS AGAINST SUCH EXCISE TAX FOR PAYMENTS MADE BY MANUFACTURERS PURSUANT TO THE MASTER SETTLEMENT AGREEMENT DATED AS OF NOVEMBER 23, 1998, AND SUBSEQUENT IMPLEMENTING STATUTES.

Referred to the **Finance Committee**.

March 23, 2005

By Senator Clodfelter:

S.B. 814, A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; and Bingham:

S.B. 815, A BILL TO BE ENTITLED AN ACT TO CREATE A TRAVEL AND TOURISM CAPITAL INCENTIVE GRANT PROGRAM.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 816, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE COUNTY SHALL ADMINISTER CITY DEVELOPMENT REGULATIONS IN EXTRATERRITORIAL ZONING AREAS SURROUNDING A CITY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Hoyle; and Bingham:

S.B. 817, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO PRODUCE PERSONALIZED DEALER PLATES.

Referred to the **Finance Committee**.

By Senator Thomas:

S.B. 818, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO CONTINUE THE FERRYMON PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jenkins:

S.B. 819, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR OPERATING EXPENSES AT THE STATE CAPITOL.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jenkins; and Bingham:

S.B. 820, A BILL TO BE ENTITLED AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT IN ENTERPRISE TIER AREAS ONE THROUGH THREE.

Referred to the **Finance Committee**.

By Senators Jenkins and Clodfelter:

S.B. 821, A BILL TO BE ENTITLED AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC.

Referred to the **Education/Higher Education Committee**.

By Senator Jenkins:

S.B. 822, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT TO A MAJOR FOOD PROCESSING DISTRIBUTION CENTER.

Referred to the **Finance Committee**.

March 23, 2005

By Senators Jenkins; and Bingham:

S.B. 823, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA RATE BUREAU AND THE COMMISSIONER OF INSURANCE TO ADOPT RULES TO REQUIRE INSURANCE COMPANIES TO GIVE INSURANCE DISCOUNTS TO PERSONS WHO COMPLETE DRIVER SAFETY COURSES OR PROGRAMS.

Referred to the **Commerce Committee**.

By Senators Dalton, Clodfelter; and Bingham:

S.B. 824, A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY ALLOWING REGISTRATION OF LIMITED LOAN OFFICERS OF DEFINED AFFILIATED MORTGAGE BANKERS AND TO ESTABLISH ADDITIONAL SUPERVISION AND ENFORCEMENT AUTHORITY FOR THE COMMISSIONER OF BANKS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Dalton:

S.B. 825, A BILL TO BE ENTITLED AN ACT (1) APPROPRIATING FUNDS TO THE E-NC AUTHORITY FOR CREATION OF JOBS AND BUSINESSES BY CONTINUATION OF E-NC ACTIVITIES TO SUPPORT INFRASTRUCTURE DEPLOYMENT AND TECHNOLOGY-BASED ECONOMIC DEVELOPMENT IN THE RURAL AND DISTRESSED URBAN AREAS OF THE STATE AND FOR THE DEVELOPMENT OF TWO ADDITIONAL E-NC BUSINESS AND TECHNOLOGY TELECENTERS AND (2) PROVIDING THAT ALL MEMBERS OF THE E-NC GOVERNING COMMISSION MAY VOTE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dalton; and Bingham:

S.B. 826, A BILL TO BE ENTITLED AN ACT TO PROVIDE A HOLD HARMLESS FOR LOCAL GOVERNMENTS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Dalton:

S.B. 827, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR A NORTH CAROLINA JUDICIAL COLLEGE AT THE SCHOOL OF GOVERNMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hagan; Albertson, Bingham, Garrou, Horton, Kerr and Stevens:

S.B. 828, A BILL TO BE ENTITLED AN ACT TO PERMIT THE SALE OF NORTH CAROLINA WINES AT ALCOHOLIC BEVERAGE CONTROL STORES.

Referred to the **Commerce Committee**.

By Senators Hagan; Bingham and Dorsett:

S.B. 829, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ATLANTIC COAST CONFERENCE HALL OF CHAMPIONS IN THE CITY OF GREENSBORO.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Presnell; Apodaca, Bingham, Blake, Brown, East, Forrester, Jacumin, Nesbitt, Pittenger, Smith, Snow and Stevens:

S.B. 830, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET FROM THE LAW EXEMPTING FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS.

Referred to the **Health Care Committee**.

By Senator Smith:

S.B. 831, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SAFE TRANSPORTATION FOR SCHOOL STUDENTS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Hagan:

S.B. 832, A BILL TO BE ENTITLED AN ACT RELATING TO THE WEIGHTS OF TOW TRUCKS AND RECOVERY VEHICLES AND TO STATUTORY LIENS ON CARGO CONTAINED IN TOWED VEHICLES.

Referred to the **Judiciary I Committee**.

By Senator Kinnaird:

S.B. 833, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE FAILURE TO PROVIDE ACCOMMODATIONS WITH THE NUMBER AND SIZE OF BEDS REPRESENTED AT THE TIME OF ACCEPTING RESERVATIONS THAT ARE PREPAID OR GUARANTEED BY CREDIT CARD IS AN UNFAIR AND DECEPTIVE TRADE PRACTICE.

Referred to the **Commerce Committee**.

By Senators Kinnaird, Nesbitt; Bingham and Snow:

S.B. 834, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE USE OF A SHORT-ACTING BARBITURATE IN EXECUTING A DEATH SENTENCE BY LETHAL INJECTION.

Referred to the **Judiciary II Committee**.

By Senator Kerr:

S.B. 835, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CREATION OF JET NOISE ZONES UNDER CITY AND COUNTY ZONING ORDINANCES.

Referred to the **State & Local Government Committee**.

March 23, 2005

By Senators Kerr and Rand:

S.B. 836, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE EXPANSION OF THE NORTH CAROLINA MUSEUM OF ART.

Referred to the **Finance Committee**.

By Senator Kerr:

S.B. 837, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RETIRED EMPLOYEES HAVE AT LEAST TEN YEARS OF RETIREMENT BENEFIT SERVICE CREDIT IN ORDER TO QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Kerr:

S.B. 838, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RENU LIFE EXTENDED, INC., A NONPROFIT ORGANIZATION PROVIDING ROOM AND BOARD AND REHABILITATION SERVICES TO PERSONS WITH TRAUMATIC BRAIN INJURY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Kerr:

S.B. 839, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REPAIR AND RENOVATE THE HISTORIC PERSON'S ORDINARY BUILDING IN HALIFAX COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Kerr:

S.B. 840, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ADMINISTRATIVE AND JUDICIAL REVIEW OF TAX CASES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Kerr:

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE RESTRICTIONS CONCERNING THE USE OF TRANSPORTER PLATES ARE ENFORCED.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Kerr:

S.B. 842, A BILL TO BE ENTITLED AN ACT TO TREAT POTTING SOIL USED FOR AGRICULTURAL PURPOSES THE SAME AS FERTILIZER AND OTHER SIMILAR PRODUCTS.

Referred to the **Finance Committee**.

By Senators Albertson; Jenkins and Weinstein:

S.B. 843, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR UNIFORM REGULATION OF FERTILIZER.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

March 23, 2005

By Senators Albertson; Jenkins and Weinstein:

S.B. 844, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MANAGED HUNTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Swindell:

S.B. 845, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REQUIREMENTS FOR ISSUING BUILDING PERMITS UNDER THE LAWS REGULATING GENERAL CONTRACTORS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Swindell; Bingham and Thomas:

S.B. 846, A BILL TO BE ENTITLED AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN REGISTER THEIR LICENSES.

Referred to the **Judiciary II Committee**.

By Senators Malone; Dannelly, Lucas, Purcell and Rand:

S.B. 847, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES MUST FILE ALL SERVICE AGREEMENTS AND CONTRACTUAL LIABILITY POLICIES WITH THE COMMISSIONER, AND IF SUBMITTED ON PAPER, BE IN A SPECIFIED FORMAT; AUTHORIZE THE COMMISSIONER TO PROTECT CONSUMERS OF WARRANTY AND SERVICE AGREEMENTS UNDER JURISDICTION OF THE DEPARTMENT BY CEASE AND DESIST POWERS AND BY THE POWER TO EXAMINE AND SEIZE WARRANTY AND SERVICE AGREEMENT COMPANY VIOLATOR'S RECORDS; AND REORGANIZE AND ADD CLARIFYING DEFINITIONS REGARDING MECHANICAL SERVICE BREAKDOWN AGREEMENTS.

Referred to the **Commerce Committee**.

By Senators Malone; Bingham, Dannelly, Lucas, Purcell and Rand:

S.B. 848, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANNUAL FILING AND ACTUARIAL CERTIFICATION OF RATES FOR INSURERS PROVIDING INDIVIDUAL ACCIDENT AND HEALTH INSURANCE BENEFITS AND TO BETTER PROTECT CONSUMERS FROM THE HARMFUL IMPACT OF BLOCKS OF BUSINESS BEING CLOSED.

Referred to the **Commerce Committee**.

By Senators Malone, Cowell; and Stevens:

S.B. 849, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH TWO NEW DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 10.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter; Dannelly, Graham, Pittenger and Thomas:

S.B. 850, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR INFORMATION TECHNOLOGY INFRASTRUCTURE FOR THE NEW MECKLENBURG COUNTY COURTHOUSE.

Referred to the **Appropriations/Base Budget Committee**.

March 23, 2005

By Senators Clodfelter; Dannelly, Graham and Pittenger:

S.B. 851, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO MECKLENBURG COUNTY FOR INTERNET ACCESS IN THE NEW COUNTY COURTHOUSE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter; Dannelly, Graham, Pittenger and Thomas:

S.B. 852, A BILL TO BE ENTITLED AN ACT TO ALLOW LOW-INCOME ELDERLY AND DISABLED HOMEOWNERS TO DEFER HOMESTEAD PROPERTY TAXES.

Referred to the **Finance Committee**.

By Senators Clodfelter; Dannelly, Graham and Pittenger:

S.B. 853, A BILL TO BE ENTITLED AN ACT TO CREATE THE CLASS E FELONY OFFENSE OF DEATH BY DISTRIBUTION OF CERTAIN DRUGS AND REPEAL THE PROVISION THAT DEATH CAUSED BY THE DISTRIBUTION OF CERTAIN DRUGS IS PUNISHABLE AS SECOND DEGREE MURDER.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; Bingham, Dannelly and Graham:

S.B. 854, A BILL TO BE ENTITLED AN ACT ESTABLISHING A PILOT PROGRAM TO PROVIDE RECRUITMENT AND RETENTION INCENTIVES TO TEACHERS AT DISADVANTAGED SCHOOLS.

Referred to the **Education/Higher Education Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter; and Rand:

S.B. 855, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR NOMINATION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS, GUBERNATORIAL APPOINTMENT, AND RETENTION BY VOTE OF THE PEOPLE.

Referred to the **Ways & Means Committee**.

By Senators Clodfelter; and Rand:

S.B. 856, A BILL TO BE ENTITLED AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO A TRIAL PREPARATION RECORD.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 857, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR THE SELECTION OF THE CHIEF JUSTICE OF THE SUPREME COURT FROM AMONG THE ASSOCIATE JUSTICES.

Referred to the **Ways & Means Committee**.

March 23, 2005

By Senators Clodfelter; and Hartsell:

S.B. 858, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE GROWTH STRATEGIES OVERSIGHT COMMISSION TO STUDY AND REPORT TO THE GENERAL ASSEMBLY CONCERNING THE EXTRATERRITORIAL OPERATION OF MUNICIPAL PUBLIC ENTERPRISES AND THE RELATIONSHIP OF SUCH OPERATIONS TO THE REGULATION OF DEVELOPMENT PURSUANT TO PLANNING, ZONING, AND SUBDIVISION ORDINANCES AND RECOMMENDING TO THE GENERAL ASSEMBLY ANY NEEDED CHANGES TO EXISTING ENABLING STATUTES GOVERNING MUNICIPAL PUBLIC ENTERPRISES OR GOVERNING LOCAL REGULATION OF DEVELOPMENT.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 859, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR PROJECTS THAT WILL PROVIDE REAL-TIME REMOTE MONITORING (RTRM) OF DRINKING WATER RESERVOIRS IN WESTERN AND PIEDMONT NORTH CAROLINA AND PROVIDE REAL-TIME REMOTE MONITORING (RTRM) OF WATERS AND ENHANCEMENT OF THE BLUE CRAB FISHERY IN NORTHEASTERN COASTAL NORTH CAROLINA.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Holloman; Albertson, Atwater, Berger of Franklin, Bingham, Cowell, Graham, Kinnaird, Nesbitt, and Snow:

S.B. 860, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL MILITARY WARTIME VETERANS TO OBTAIN SPECIAL REGISTRATION PLATES WITHOUT PAYING AN ADDITIONAL FEE.

Referred to the **Finance Committee**.

By Senators Holloman; Berger of Franklin, Kinnaird and Snow:

S.B. 861, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A NEW DISTRICT COURT JUDGE IN DISTRICT COURT DISTRICT 6A.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Berger of Franklin; Atwater, Bingham and Brown:

S.B. 862, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF KOREA AND VIETNAM.

Referred to the **Education/Higher Education Committee**.

By Senators Berger of Franklin; Atwater, Berger of Rockingham, Bingham, Boseman, Cowell, Hartsell and Snow:

S.B. 863, A BILL TO BE ENTITLED AN ACT TO TERMINATE PAYMENTS OF WORKERS' COMPENSATION OTHER THAN MEDICAL COMPENSATION FOR EMPLOYEES WHO ARE CONVICTED OF HAVING FRAUDULENTLY OBTAINED THE COMPENSATION.

Referred to the **Judiciary II Committee**.

March 23, 2005

By Senators Berger of Franklin; Boseman, Cowell, Holloman, Kinnaird, Nesbitt, Snow and Soles:

S.B. 864, A BILL TO BE ENTITLED AN ACT TO ALLOW COMPENSATION UNDER THE WORKERS' COMPENSATION ACT FOR INJURIES OF THE EXTREMITIES OF THE BODY OF THE EMPLOYEE WHERE THE INJURY ARISES OUT OF AND IN THE COURSE OF EMPLOYMENT AND IS THE DIRECT RESULT OF A SPECIFIC TRAUMATIC INCIDENT OF THE WORK ASSIGNED.

Referred to the **Judiciary II Committee**.

By Senators Berger of Franklin; Bingham, Boseman, Cowell, Hartsell, Holloman, Kinnaird, Nesbitt, Snow and Soles:

S.B. 865, A BILL TO BE ENTITLED AN ACT TO CREATE AN INCENTIVE TO RETURN TO WORK FOR EMPLOYEES WHO ARE PARTIALLY INCAPACITATED AND RECEIVING COMPENSATION UNDER THE WORKERS' COMPENSATION ACT BY REPEALING THE PROVISION THAT LIMITS SUCH EMPLOYEES TO RECEIVE COMPENSATION FOR NO LONGER THAN THREE HUNDRED WEEKS.

Referred to the **Judiciary II Committee**.

By Senators Berger of Franklin; Bingham, Boseman, Cowell, Hartsell, Holloman, Kinnaird, Nesbitt, Snow and Soles:

S.B. 866, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM AWARD UNDER THE WORKERS' COMPENSATION ACT FOR THE LOSS OR PERMANENT INJURY TO AN IMPORTANT ORGAN OR PART OF THE BODY NOT OTHERWISE ADDRESSED IN THE SCHEDULE OF INJURIES.

Referred to the **Judiciary II Committee**.

By Senator Berger of Franklin:

S.B. 867, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME OVER WHICH AN INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR COMMERCIAL PARK MAY REMAIN IN EFFECT.

Referred to the **State & Local Government Committee**.

By Senators Berger of Franklin; and Bingham:

S.B. 868, A BILL TO BE ENTITLED AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT.

Referred to the **Finance Committee**.

By Senator Berger of Franklin:

S.B. 869, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Berger of Franklin:

S.B. 870, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Purcell; Atwater and Dannelly:

S.B. 871, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE OVERSIGHT COUNCIL ON CHILD MALTREATMENT PREVENTION AND AN INTERAGENCY LEADERSHIP TEAM FOR CHILD MALTREATMENT PREVENTION AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Bingham and Dannelly:

S.B. 872, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCESS BY WHICH THE NEED-BASED SCHOLARSHIP LOAN FUND IS ADMINISTERED.

Referred to the **Education/Higher Education Committee**.

By Senators Purcell; and Dannelly:

S.B. 873, A BILL TO BE ENTITLED AN ACT TO ALLOCATE TANF BLOCK GRANT FUNDS FOR WORK CENTRAL, INC.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Atwater and Dannelly:

S.B. 874, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILD-CARING INSTITUTIONS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Atwater and Dannelly:

S.B. 875, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO HIRE ADDITIONAL CHILD PROTECTIVE SERVICES WORKERS TO REDUCE CASELOAD PER CHILD PROTECTIVE SERVICES WORKER RATIOS, WHICH WILL ENABLE THE EXPANSION OF THE MULTIPLE RESPONSE SYSTEM TO ALL COUNTIES IN THE STATE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Atwater and Dannelly:

S.B. 876, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA SPECIAL OLYMPICS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; and Forrester:

S.B. 877, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS REGULATING THE PRACTICE OF MEDICINE IN NORTH CAROLINA AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO INCREASE CERTAIN FEES.

Referred to the **Health Care Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

March 23, 2005

By Senators Garrou; Atwater, Dalton, Garwood, Goodall, Purcell, Snow and Swindell:

S.B. 878, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Garrou; Dalton and Goodall:

S.B. 879, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR A BIDDING PREFERENCE ON STATE CONTRACTS FOR RESIDENT BIDDERS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE MAINTENANCE OF A RESIDENT BIDDER LIST.

Referred to the **Commerce Committee**.

By Senator Garrou:

S.B. 880, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR PROJECTS THAT WILL PROVIDE REAL-TIME REMOTE MONITORING (RTRM) OF DRINKING WATER RESERVOIRS IN WESTERN AND PIEDMONT NORTH CAROLINA AND PROVIDE REAL-TIME REMOTE MONITORING (RTRM) OF WATERS AND ENHANCEMENT OF THE BLUE CRAB FISHERY IN NORTHEASTERN COASTAL NORTH CAROLINA.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Garrou; and Goodall:

S.B. 881, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSIONER OF INSURANCE AND THE NORTH CAROLINA RATE BUREAU TO ADOPT RULES TO ASSIGN INSURANCE POINTS FOR LAPSES IN MOTOR VEHICLE LIABILITY POLICIES.

Referred to the **Commerce Committee**.

By Senators Garrou; Cowell, Forrester, Horton, Kerr, Malone, Rand and Stevens:

S.B. 882, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CAROLINA BALLET, INC., A PROFESSIONAL BALLET.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Goodall and Clodfelter:

S.B. 883, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT NOTIFICATION OF THE DISPOSITION OF CERTAIN UNCLAIMED FIREARMS MAY BE DONE BY POSTING NOTICE AT THE HEADQUARTERS OR ON THE WEB SITE OF THE APPROPRIATE LAW ENFORCEMENT AGENCY RATHER THAN BY PUBLICATION IN A NEWSPAPER.

Referred to the **Judiciary I Committee**.

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By Senators Tillman; Allran, Atwater, Berger of Franklin, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, East, Garwood, Goodall, Holloman, Hoyle, Jacumin, Kinnaird, Presnell, Smith and Snow:

S.B. 884, A BILL TO BE ENTITLED AN ACT RECOGNIZING THE SEAGROVE AREA AS THE BIRTHPLACE OF NORTH CAROLINA TRADITIONAL POTTERY.

Referred to the **Commerce Committee**.

By Senators Pittenger; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Hunt, Jacumin, Presnell, Stevens, Tillman and Webster:

S.B. 885, 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 Hartsell, Apodaca; and Garwood:

S.B. 886, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS.

Referred to the **Education/Higher Education Committee**.

By Senators Hartsell, Hoyle; and Apodaca:

S.B. 887, A BILL TO BE ENTITLED AN ACT TO REVISE THE STATUTES THAT ADDRESS STATUTORY LIENS ON REAL PROPERTY.

Referred to the **Judiciary II Committee**.

By Senator Rand:

S.B. 888, A BILL TO BE ENTITLED AN ACT MAKING VARIOUS AMENDMENTS TO STATE PERSONNEL LAWS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 889, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING OPEN DISCOVERY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 890, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS FOR DWI PROCESSING COURTS IN AREAS OF THE STATE THAT HAVE A LARGE BACKLOG OF DWI CASES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 891, A BILL TO BE ENTITLED AN ACT REGARDING THE TRANSFER OF INMATES TO FEDERAL PRISONS.

Referred to the **Rules and Operations of the Senate Committee**.

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By Senator Rand:

S.B. 892, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE STUDY COMMISSION ON THE TRAFFICKING OF ILLEGAL HANDGUNS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 893, A BILL TO BE ENTITLED AN ACT PERTAINING TO SUBROGATION RIGHTS OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 894, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES THAT WILL STRENGTHEN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Select Committee on Teachers' and State Employees' Health Plan**.

By Senator Rand:

S.B. 895, A BILL TO BE ENTITLED AN ACT TO CLARIFY REAL ESTATE BROKERS DUTIES RELATED TO REAL ESTATE TRUST MONIES.

Referred to the **Commerce Committee**.

By Senator Rand:

S.B. 896, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENSES AND ADDITIONAL PERSONNEL AT BLADEN COMMUNITY COLLEGE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 897, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPIRATION OF THE TERMS OF THE CURRENT MEMBERS OF THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION AND TO RESTRUCTURE THE COMMISSION TO CONSIST OF ONE FULL-TIME MEMBER AND TWO HALF-TIME MEMBERS.

Referred to the **Judiciary I Committee**.

By Senators Brown; Allran, Berger of Franklin, Bingham, Boseman, Dalton, East, Forrester, Garwood, Goodall, Hoyle, Jacumin, Kinnaird, Pittenger, Presnell, Smith, Snow, Swindell, Thomas, Tillman and Weinstein:

S.B. 898, A BILL TO BE ENTITLED AN ACT ESTABLISHING A COMMISSION TO STUDY WORKFORCE PREPARATION IN THE PUBLIC SCHOOLS.

Referred to the **Rules and Operations of the Senate Committee**.

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By Senator Nesbitt:

S.B. 899, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE LONG-TERM VOCATIONAL SUPPORT SERVICES TO PERSONS WITH MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 900, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE NORTH CAROLINA CENTER FOR NURSING.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Weinstein; Albertson, Apodaca, Berger of Rockingham, Blake, Brown, Goodall, Horton, Soles and Stevens:

S.B. 901, A BILL TO BE ENTITLED AN ACT CREATING THE EQUINE INDUSTRY STUDY COMMISSION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Weinstein, Hartsell; Hoyle, Smith and Soles:

S.B. 902, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS FOR THE ISSUANCE OF AN IMPROVEMENT PERMIT FOR AN ON-SITE SUBSURFACE WASTEWATER SYSTEM BY REQUIRING THE COMPLETION OF A SOIL AND SITE EVALUATION PRIOR TO THE ISSUANCE OF AN IMPROVEMENT PERMIT; TO AUTHORIZE LOCAL HEALTH DEPARTMENTS, AUTHORIZED AGENTS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, LICENSED SOIL SCIENTISTS, AND PROFESSIONAL ENGINEERS TO COMPLETE SOIL AND SITE EVALUATIONS; AND TO MAKE OTHER CHANGES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Weinstein:

S.B. 903, A BILL TO BE ENTITLED AN ACT TO AMEND THE INTEREST RATE LAWS TO AUTHORIZE THE COMMISSIONER OF BANKS TO ALLOW CERTAIN AFFILIATES OF LICENSEES UNDER G.S. 53-176 TO BE EXEMPT FROM CERTAIN PROVISIONS OF CHAPTER 24.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Weinstein:

S.B. 904, A BILL TO BE ENTITLED AN ACT TO ALLOW ALTERNATIVE INTEREST RATES AND MATURITIES FOR LOANS NOT EXCEEDING TWELVE HUNDRED DOLLARS.

Referred to the **Judiciary I Committee**.

By Senators Cowell; Bingham, Boseman, Graham, Hagan, Hartsell, and Malone:

S.B. 905, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM INCOME TAX CERTAIN GAINS FROM INVESTMENTS IN TECHNOLOGY BUSINESSES AND OTHER QUALIFIED SMALL BUSINESSES.

Referred to the **Finance Committee**.

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 239, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL HEALTH DEPARTMENTS AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED.

Referred to the **Health Care Committee**.

H.J.R. 511 (Committee Substitute), A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF CORNELIUS ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:27 P.M.

THIRTY-FOURTH DAY

Senate Chamber
Thursday, March 24, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, as we close another week in the Senate, Easter approaches. The word conjures up different feelings, different experiences, for those listening to this prayer. For Christians it is the highest and holiest of days. The remembrance of the death, the burial, the resurrection of Jesus is the source of Christians' eternal hope!

"It also reminds us that not only can sorrow and joy exist within the same experience, but that each can enrich the other. When we cry and laugh at the same moment, when we feel both down and up, empty then filled, tested but trusting, we are experiencing Easter...Your magnificent grace.

"And so we pray in gratitude for this great gift to us. Amen."

The Chair grants leaves of absence for today to Senator Dorsett, Senator Hoyle, Senator Pittenger and Senator Weinstein.

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Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, March 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Timothy J. Reeder from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Andrea Novak from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 426, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF HOWARD N. LEE TO THE UTILITIES COMMISSION. (Res. 18)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 61, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY INCREASING THE PUNISHMENT FOR FELONY DEATH BY VEHICLE AND CREATING THE OFFENSE OF FELONY SERIOUS INJURY BY VEHICLE, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 421, A BILL TO BE ENTITLED AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE SOLICITATION OF CONTRIBUTIONS, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, March 29.

By Senator Garwood for the **Education/Higher Education Committee**:

S.B. 569, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FUTURE TEACHERS OF NORTH CAROLINA SCHOLARSHIP FUND FOR CERTAIN STUDENTS WHO AGREE TO BECOME CERTIFIED IN CERTAIN SUBJECT AREAS AND TEACH IN THE STATE PUBLIC SCHOOL SYSTEM AND TO APPROPRIATE FUNDS FOR THE SCHOLARSHIP, 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 15211, is adopted and engrossed.

Upon motion of Senator Garwood, the Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

By Senator Holloman for the **State & Local Government Committee**:

S.B. 368, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE FRANKLIN COUNTY BOARD OF EDUCATION FROM PARTISAN TO NONPARTISAN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65250, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, March 29.

S.B. 392, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO SELL PERSONAL UNIFORMS AND EQUIPMENT TO PUBLIC SAFETY EMPLOYEES UPON THE EMPLOYEES LEAVING THE CITY'S EMPLOYMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55194, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, March 29.

S.B. 463, A BILL TO BE ENTITLED AN ACT REPEALING THE SUNSET PROVISION OF S.L. 2000-65 RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35191, which changes the title to read **S.B. 463** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, March 29.

S.B. 474, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55200, which changes the title to read **S.B. 474** (Committee Substitute), A BILL TO BE

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ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY AND THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, March 29.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 62, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 403, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PURCHASE OF THE PRELIMINARY SCHOLASTIC APTITUDE TEST (PSAT) FOR THE PUBLIC SCHOOLS.

Referred to the **Education/Higher Education Committee**.

H.B. 514, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY MOTION FILED IN A CIVIL ACTION WHEN THE ACTION IS PENDING IN A SUPERIOR COURT OF A COUNTY THAT IS IN A SUPERIOR COURT DISTRICT CONSISTING OF MORE THAN ONE COUNTY MAY BE HEARD IN ANY SUPERIOR COURT IN THAT SUPERIOR COURT DISTRICT.

Referred to the **Judiciary II Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 857, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DATE WHEN THE STATE PROPERTY OFFICE MUST SUBMIT A MASTER PLAN FOR THE USE OF THE DOROTHEA DIX PROPERTY TO THE DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION.

The bill is placed on the Calendar for Tuesday, March 29.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 408, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 506, A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH PUBLIC LAW 107-260, THE BENIGN BRAIN TUMOR CANCER REGISTRIES AMENDMENT.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 571, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL.

The bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives.

S.B. 572, A BILL TO BE ENTITLED AN ACT TO CREATE A LICENSURE CATEGORY FOR ASSISTED LIVING COMMUNITIES THAT SERVE ONLY ELDERLY ADULTS.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 586, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF NEW STATE PARKS AT CARVERS CREEK AND IN THE HICKORY NUT GORGE/CHIMNEY ROCK AREA TO THE STATE PARKS SYSTEM.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 606, A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF COMMISSIONERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, 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. 685, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN

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CIRCUMSTANCES, DECREASING THE FEE FOR LIMITED LICENSES, ESTABLISHING THE REQUIREMENTS FOR LIMITED LICENSES, REQUIRING THE COMMISSIONER OF INSURANCE TO ADOPT RULES FOR ALTERNATIVE LICENSES, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE PRIOR TO MARCH 31, 2006, CHANGING THE EFFECTIVE DATE FOR LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS TO JULY 1, 2005, PROVIDING A TRANSITION PERIOD FOR ORGANIZATIONS REGISTERING UNDER ARTICLE 89 OF CHAPTER 58 OF THE GENERAL STATUTES, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75274, which changes the title to read **S.B. 685** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, DECREASING THE FEE FOR LIMITED LICENSES, ESTABLISHING THE REQUIREMENTS FOR LIMITED LICENSES, REQUIRING THE COMMISSIONER OF INSURANCE TO PROVIDE FOR ALTERNATIVE LICENSES, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JUNE 30, 2005, CHANGING THE EFFECTIVE DATE FOR LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS TO JULY 1, 2005, PROVIDING A TRANSITION PERIOD FOR ORGANIZATIONS REGISTERING UNDER ARTICLE 89 OF CHAPTER 58 OF THE GENERAL STATUTES, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

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ADDITIONAL SPONSOR

Senator Snow requests to be added as a sponsor of previously introduced legislation:

S.B. 488, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR A CARETAKER TO EXPLOIT AN ELDER OR DISABLED ADULT IN ANY SETTING.

S.B. 502, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES.

Senator Nesbitt requests to be added as a sponsor of previously introduced legislation:

S.B. 586, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF NEW STATE PARKS AT CARVERS CREEK AND IN THE HICKORY NUT GORGE/CHIMNEY ROCK AREA TO THE STATE PARKS SYSTEM.

Senator Allran requests to be added as a sponsor of previously introduced legislation:

S.B. 852, A BILL TO BE ENTITLED AN ACT TO ALLOW LOW-INCOME ELDERLY AND DISABLED HOMEOWNERS TO DEFER HOMESTEAD PROPERTY TAXES.

Upon motion of Senator Dannelly, seconded by Senator Dalton, the Senate adjourns subject to introduction of bills and receipt of committee reports, to meet Monday, March 28, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Dorsett:

S.B. 906, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR.

Referred to the **Education/Higher Education Committee**.

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By Senators Dorsett; and Graham:

S.B. 907, A BILL TO BE ENTITLED AN ACT REQUIRING THE SECRETARY OF ADMINISTRATION TO ADOPT RULES AND PROCEDURES TO CERTIFY UNDERUTILIZED AND MINORITY BUSINESSES AND TO MAINTAIN A DATABASE OF THE BUSINESSES CERTIFIED.

Referred to the **Commerce Committee**.

By Senator Dorsett:

S.B. 908, A BILL TO BE ENTITLED AN ACT ESTABLISHING A MINIMUM FAIR WAGE FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT; CREATING THE STATE GOVERNMENT FAIR PAY STUDY COMMISSION; AND APPROPRIATING FUNDS FOR THESE PURPOSES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dorsett; and Graham:

S.B. 909, A BILL TO BE ENTITLED AN ACT CREATING THE HISTORICALLY UNDERUTILIZED BUSINESS CERTIFICATION TASK FORCE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Dorsett:

S.B. 910, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE BENEFICIARY OF A RETURN OF CONTRIBUTIONS UPON THE DEATH OF A MEMBER PRIOR TO RETIREMENT FROM THE STATE RETIREMENT SYSTEMS, THE OPTIONAL RETIREMENT PLANS FOR THE UNIVERSITY OF NORTH CAROLINA SYSTEM OR THE COMMUNITY COLLEGE SYSTEM, OR BEFORE WITHDRAWAL FROM THE STATE SUPPLEMENTAL RETIREMENT INCOME PLAN OR THE STATE DEFERRED COMPENSATION PLAN SHALL BE THE MEMBER'S SPOUSE UNLESS THE MEMBER PROVIDED OTHERWISE BEFORE THE MEMBER'S DEATH.

Referred to the **Pensions & Retirement and Aging Committee**.

By Senator Hagan:

S.B. 911, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION.

Referred to the **Judiciary I Committee**.

By Senators Hagan; Atwater and Bingham:

S.B. 912, A BILL TO BE ENTITLED AN ACT DIRECTING THE PUBLIC SCHOOLS TO TEACH PERSONAL FINANCIAL LITERACY TO HIGH SCHOOL STUDENTS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Clodfelter; Bingham and Kerr:

S.B. 913, A BILL TO BE ENTITLED AN ACT TO IMPOSE AN ADVANCE

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DISPOSAL FEE ON NEW AND USED MANUFACTURED HOMES, TO REQUIRE COUNTIES TO DEVELOP PLANS THAT PROVIDE FOR THE DECONSTRUCTION OF ABANDONED MANUFACTURED HOMES AND THE REMOVAL OF REUSABLE OR RECYCLABLE COMPONENTS, AND TO PROVIDE FOR THE ABATEMENT OF ABANDONED MANUFACTURED HOMES THAT ARE DETERMINED TO BE A NUISANCE.

Referred to the **Judiciary I Committee**, and upon a favorable report, re-referred to the **Finance Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter:

S.B. 914, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 915, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 916, 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 Senator Clodfelter:

S.B. 917, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE AUTHORITY OF A PERSONAL REPRESENTATIVE TO SELL OR TAKE OTHER ACTION WITH RESPECT TO REAL PROPERTY OF A DECEDENT.

Referred to the **Judiciary I Committee**.

By Senators Hoyle, Berger of Rockingham; Apodaca, Berger of Franklin, Bingham, Blake, Brock, Brown, Dalton, East, Forrester, Garwood, Goodall, Hartsell, Holloman, Horton, Jacumin, Jenkins, Presnell, Smith, Snow, Stevens, Swindell, Thomas, Tillman and Webster:

S.B. 918, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE THE RIGHT TO HUNT AND FISH IN NORTH CAROLINA.

Referred to the **Judiciary I Committee**.

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By Senators Jacumin; Allran, Bingham, Brown, Forrester, Garwood and Tillman:

S.B. 919, A BILL TO BE ENTITLED AN ACT TO PROVIDE FINANCIAL ASSISTANCE TO MANUFACTURERS IN ENDANGERED MANUFACTURING INDUSTRIES IN THIS STATE TO HELP THEM RETAIN MORE JOBS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jacumin; Allran, Berger of Rockingham, Bingham, Brown, Forrester, Garwood, Tillman and Weinstein:

S.B. 920, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR GRANTS TO ENTREPRENEURS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jacumin; Allran, Berger of Rockingham, Bingham, Brown, Forrester, Garwood and Tillman:

S.B. 921, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY CONSUMER CREDIT REPORTING AGENCY TO, UPON THE WRITTEN REQUEST OF A CONSUMER, PLACE A SECURITY FREEZE THAT PROHIBITS THE AGENCY FROM PROVIDING A CONSUMER'S CREDIT REPORT TO A THIRD PARTY.

Referred to the **Commerce Committee**.

By Senators Jacumin; Allran, Berger of Rockingham, Bingham, Brown, Forrester, Garwood, Smith and Tillman:

S.B. 922, A BILL TO BE ENTITLED AN ACT TO REQUIRE AGENCIES PROPOSING PERMANENT RULES THAT HAVE AN ADVERSE IMPACT ON SMALL BUSINESS TO COMPLETE A FISCAL NOTE AND CONSIDER ALTERNATIVES AND TO REQUIRE PERIODIC AGENCY REVIEW OF EXISTING RULES.

Referred to the **Commerce Committee**.

By Senators Clodfelter; and Berger of Franklin:

S.B. 923, A BILL TO BE ENTITLED AN ACT AMENDING THE LABOR LAWS OF NORTH CAROLINA TO PROVIDE FOR MANDATORY LUNCH BREAKS FOR EMPLOYEES.

Referred to the **Commerce Committee**.

By Senators Clodfelter; and Berger of Franklin:

S.B. 924, A BILL TO BE ENTITLED AN ACT ELIMINATING THE WAITING PERIOD FOR UNEMPLOYMENT BENEFITS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

Referred to the **Commerce Committee**.

By Senator Clodfelter:

S.B. 925, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE INFRASTRUCTURE THAT SUPPORTS OYSTER RESTORATION ACTIVITIES, TO PROTECT AND RESTORE WATER QUALITY AND HABITAT IN PRIME OYSTER GROWING AREAS, AND TO APPROPRIATE

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FUNDS TO HELP SUPPORT PROJECTS TO REHABILITATE OYSTER HABITATS AND SANCTUARIES.

Referred to the **Agriculture/Environment/Natural Resources Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter:

S.B. 926, A BILL TO BE ENTITLED AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO ALLOW THE STUDY OF PAPER BALLOTS BY SCHOLARS; TO CHANGE THE DEADLINE FOR FILING A PROTEST FROM 6:00 P.M. TO 5:00 P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING PLACES ON ELECTION DAY; TO CHANGE THE REQUIREMENT FOR A STATEWIDE UNAFFILIATED CANDIDATE TO CONFORM TO A FEDERAL COURT DECISION; TO ALLOW A UNANIMOUS STATE BOARD OF ELECTIONS TO DISMISS A PROTEST AS FRIVOLOUS; TO PROHIBIT PIECE PAYMENT FOR VOTER REGISTRATION DRIVES; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW ONE-STOP SITES IN SOME NONPUBLIC BUILDINGS; TO ALLOW THE STATE BOARD OF ELECTIONS TO AUTOMATICALLY CANCEL A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; AND TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 927, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S.143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS, AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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By Senator Clodfelter:

S.B. 928, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN A CRIMINAL CASE HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 929, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO BREAK OUT OF A JUVENILE DETENTION FACILITY OR YOUTH DEVELOPMENT CENTER.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter, Hoyle; and Graham:

S.B. 930, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX INCENTIVES FOR THE CONSTRUCTION OF A RAILROAD INTERMODAL FACILITY.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 931, A BILL TO BE ENTITLED AN ACT TO RAISE THE EXCISE TAX ON CIGARETTES AND TO PHASE OUT THE COUNTY SHARE OF MEDICAID COSTS.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 932, A BILL TO BE ENTITLED AN ACT TO PROTECT CONFIDENTIAL INFORMATION OF PUBLIC AGENCIES AND SUBDIVISIONS.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 933, A BILL TO BE ENTITLED AN ACT TO PROTECT CERTAIN PUBLIC OFFICERS AND EMPLOYEES FROM LIABILITY IN THEIR INDIVIDUAL CAPACITIES FOR GOOD FAITH OR REASONABLE REPORTING OF CRIMINAL ACTIVITY.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 934, A BILL TO BE ENTITLED AN ACT TO ADD CHAPTER 10B TO THE GENERAL STATUTES RELATING TO NOTARIES.

Referred to the **Judiciary II Committee**.

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By Senator Garrou:

S.B. 935, A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURERS PROVIDING HEALTH CARE POLICIES OR CERTIFICATES FROM PRINTING AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON MEMBER IDENTIFICATION CARDS OR FROM OTHERWISE MAKING PUBLIC THE INDIVIDUAL'S SOCIAL SECURITY NUMBER.

Referred to the **Judiciary I Committee**.

By Senator Cowell:

S.B. 936, A BILL TO BE ENTITLED AN ACT EXEMPTING APPLICANTS FOR CERTIFICATES FOR RENEWABLE ENERGY FACILITIES FROM CERTAIN NOTICE REQUIREMENTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Cowell:

S.B. 937, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO AWARD CONTRACTS FOR THE MANAGEMENT OF SLUDGE ON THE BASIS OF FACTORS OTHER THAN COST ALONE AND TO ENTER INTO CONTRACTS THAT PROVIDE FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF SLUDGE MANAGEMENT FACILITIES BY A SINGLE ENTITY.

Referred to the **Commerce Committee**.

By Senators Pittenger; Apodaca, Berger of Rockingham, Blake, Brock, East, Hunt and Tillman:

S.B. 938, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX CREDIT FOR ORGAN DONORS.

Referred to the **Finance Committee**.

By Senators Thomas; and Bingham:

S.B. 939, A BILL TO BE ENTITLED AN ACT TO DETER JUVENILES FROM ESCAPING OR ATTEMPTING TO ESCAPE FROM THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND TO ESTABLISH CRIMINAL PENALTIES FOR AIDING OR ASSISTING JUVENILES IN ESCAPING OR ATTEMPTING TO ESCAPE FROM THE CUSTODY OF THE DEPARTMENT.

Referred to the **Judiciary II Committee**.

By Senators Thomas; and Bingham:

S.B. 940, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUBSTANTIATION APPEAL PROCESS FOR THOSE INDIVIDUALS ALLEGED TO BE RESPONSIBLE FOR ABUSE OR NEGLECT OF A JUVENILE IN A SUBSTANTIATED REPORT UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY.

Referred to the **Judiciary II Committee**.

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By Senators Thomas; and Bingham:

S.B. 941, A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES (I) PROVIDING FOR THE DISPLAY OF THE FLAG OF THE UNITED STATES AND OF NORTH CAROLINA, (II) ENSURING THAT STUDENTS HAVE AN OPPORTUNITY TO RECITE THE PLEDGE OF ALLEGIANCE ON A REGULAR BASIS, (III) PROVIDING FOR INSTRUCTION ON THE MEANING AND HISTORICAL ORIGINS OF THE FLAG AND THE PLEDGE OF ALLEGIANCE AND THE VALUES AND PRINCIPALS THEY REPRESENT, AND (IV) PROVIDING FOR INSTRUCTION ON THE STATE SYMBOLS.

Referred to the **Education/Higher Education Committee**.

By Senators Thomas; and Bingham:

S.B. 942, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE ABUSED.

Referred to the **Health Care Committee**.

By Senators Thomas; and Hagan:

S.B. 943, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CORE SOUND WATERFOWL MUSEUM IN CARTERET COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Thomas:

S.B. 944, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Thomas:

S.B. 945, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Thomas:

S.B. 946, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Hoyle, Holloman, Berger of Rockingham, Shaw; Apodaca, Bingham, East and Jenkins:

S.B. 947, A BILL TO BE ENTITLED AN ACT TO PREVENT PREDATORY PAYDAY LOAN PRACTICES AND REGULATE STATE DEFERRED DEPOSIT TRANSACTIONS, AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS.

Referred to the **Commerce Committee**.

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By Senator Hoyle:

S.B. 948, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE BOATING SAFETY AND VESSEL TITLING LAW.

Referred to the **Agriculture/Environment/Natural Resources Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Shaw:

S.B. 949, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY THE OPTION OF PROVIDING A DISTANCE LEARNING PROGRAM THROUGH A CONSORTIUM OF ENGINEERING SCHOOLS IN THE STATE UNIVERSITY SYSTEM THAT INCLUDES NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY, NORTH CAROLINA STATE UNIVERSITY, AND THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Shaw:

S.B. 950, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ENLARGE THE CARVERS CREEK SANDHILLS AREA BEING CONSIDERED AS A POTENTIAL STATE PARK TO INCLUDE ADJOINING PROPERTY ON THE CAPE FEAR RIVER AND TO CONSTRUCT AND ESTABLISH A DAM AND RESERVOIR ON THIS PROPERTY TO SERVE AS A REGIONAL WATER SUPPLY.

Referred to the **Agriculture/Environment/Natural Resources Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Hoyle; and Apodaca:

S.B. 951, A BILL TO BE ENTITLED AN ACT TO REQUIRE A UNIT OF LOCAL GOVERNMENT THAT DISPLACES A PRIVATE COMPANY THAT IS PROVIDING COLLECTION SERVICES FOR SOLID WASTE OR RECOVERED MATERIALS TO GIVE NOTICE OF ITS INTENT TO DO SO AND TO PROVIDE COMPENSATION TO THE DISPLACED PRIVATE COMPANY.

Referred to the **Judiciary I Committee**.

By Senators Lucas, Bingham; and Kinnaird:

S.B. 952, A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS BY PROHIBITING COERCIVE AND DISCRIMINATORY PRACTICES IN THE REPAIR OF MOTOR VEHICLES AND AUTOMOBILE GLASS REPAIR AND REPLACEMENT, BY PROVIDING FOR MORE CONSUMER DISCLOSURE BY INSURERS IN THE COLLISION REPAIR PROCESS, AND BY IMPOSING STRICTER MOTOR VEHICLE DAMAGE AND AUTOMOBILE GLASS REPAIR REGULATIONS AND PENALTIES ON INSURERS.

Referred to the **Commerce Committee**.

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By Senators Lucas; and Malone:

S.B. 953, A BILL TO BE ENTITLED AN ACT TO REPEAL THE FELONY MURDER RULE.

Referred to the **Judiciary I Committee**.

By Senators Lucas; and Malone:

S.B. 954, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP EARLY VOTING SITES; AND TO APPROPRIATE FUNDS TO THE STATE BOARD OF ELECTIONS TO IMPLEMENT AND STUDY THE CHANGE.

Referred to the **Judiciary I Committee**.

By Senators Lucas; and Malone:

S.B. 955, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ENERGY ASSISTANCE ACT FOR LOW-INCOME PERSONS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Lucas:

S.B. 956, A BILL TO BE ENTITLED AN ACT TO EXPAND THE EXISTING TUITION WAIVER PROGRAM AND TO PROVIDE AN EXCEPTION TO THE TWELVE-MONTH RESIDENCY REQUIREMENT FOR CERTAIN UNIVERSITY OF NORTH CAROLINA EMPLOYEES AND THEIR CHILDREN.

Referred to the **Education/Higher Education Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Lucas:

S.B. 957, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNIVERSITY OF NORTH CAROLINA MAY ESTABLISH PRIVATE, NONPROFIT CORPORATIONS TO SUPPORT THE CONSTITUENT INSTITUTIONS AND THE UNIVERSITY SYSTEM.

Referred to the **Education/Higher Education Committee**.

By Senator Lucas:

S.B. 958, A BILL TO BE ENTITLED AN ACT TO PROVIDE A BONUS IN THE SALARY OF NATIONALLY CERTIFIED SCHOOL PSYCHOLOGISTS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Lucas; and Malone:

S.B. 959, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SALARY SCHEDULE FOR TEACHER ASSISTANTS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Purcell:

S.B. 960, A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE

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IMPACT OF INDIRECT COSTS ASSOCIATED WITH THE INTEGRITY OF THE CHILD NUTRITION SERVICES PROGRAM IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND COMMISSION.

Referred to the **Health Care Committee**.

By Senator Purcell:

S.B. 961, A BILL TO BE ENTITLED AN ACT PERTAINING TO SNACK AND BEVERAGE VENDING IN PUBLIC SCHOOLS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND COMMISSION.

Referred to the **Education/Higher Education Committee**.

By Senator Purcell:

S.B. 962, A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS RELATED TO THE MIGRANT HOUSING ACT OF NORTH CAROLINA.

Referred to the **Commerce Committee**.

By Senators Weinstein; Dannelly, Kinnaird and Malone:

S.B. 963, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SALE OF A COTENANT'S INTEREST IN REAL PROPERTY IN LIEU OF SALE BY PARTITION.

Referred to the **Judiciary II Committee**.

By Senator Dalton:

S.B. 964, A BILL TO BE ENTITLED AN ACT RELATING TO STATE AND LOCAL ECONOMIC DEVELOPMENT LAWS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Dalton, Swindell; and Lucas:

S.B. 965, A BILL TO BE ENTITLED AN ACT TO ENACT THE EDUCATION IMPROVEMENT ACT OF 2005.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Bingham:

S.B. 966, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTION TO ESTABLISH A DEFINITE RELEASE DATE FOR EACH INMATE IN ITS CUSTODY AT LEAST THIRTY DAYS PRIOR TO THE INMATE'S RELEASE.

Referred to the **Judiciary II Committee**.

By Senators Dalton; and Hoyle:

S.B. 967, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ONE NORTH CAROLINA SMALL BUSINESS FUND AND TO APPROPRIATE FUNDS TO THE ONE NORTH CAROLINA FUND.

Referred to the **Appropriations/Base Budget Committee**.

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By Senators Blake, Stevens; Berger of Rockingham, Brock, Brown, East, Forrester, Horton, Hunt and Tillman:

S.B. 968, A BILL TO BE ENTITLED AN ACT TO CREATE A TRUST FUND FOR ESSENTIAL SERVICES AND TO LIMIT ANY EXPENDITURE FROM THE FUND UNTIL AFTER JANUARY 1, 2057.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Berger of Franklin:

S.B. 969, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING WORKERS' COMPENSATION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Kinnaird:

S.B. 970, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING APPEALS OF QUASI-JUDICIAL DECISIONS MADE UNDER ARTICLE 19 OF CHAPTER 160A AND ARTICLE 18 OF CHAPTER 153A OF THE GENERAL STATUTES.

Referred to the **Judiciary II Committee**.

By Senator Kinnaird:

S.B. 971, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NORTH CAROLINA LIBRARIES SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

By Senators Smith, Albertson; Apodaca, Blake, Brock, Brown, Forrester, Holloman, Hunt, Jacumin, Presnell, Stevens and Tillman:

S.B. 972, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF WORSHIP.

Referred to the **Judiciary I Committee**.

By Senator Smith:

S.B. 973, A BILL TO BE ENTITLED AN ACT RELATING TO FUNDING FOR THE NORTH CAROLINA ARTS COUNCIL.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Dannelly:

S.B. 974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES.

Referred to the **Commerce Committee**.

By Senator Dannelly:

S.B. 975, A BILL TO BE ENTITLED AN ACT TO PROVIDE COST-OF-LIVING INCREASES FOR 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**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

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By Senators Webster; Allran, Berger of Rockingham, Bingham, Brock, East, Forrester, Garwood, Goodall and Tillman:

S.B. 976, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA TAXPAYER AND CITIZEN PROTECTION ACT, TO REQUIRE PROOF OF CITIZENSHIP TO REGISTER TO VOTE, AND TO PROVIDE THAT TO RECEIVE CERTAIN PUBLIC BENEFITS, AN APPLICANT FOR PUBLIC ASSISTANCE PROGRAM BENEFITS MUST PROVIDE PROOF THAT THE APPLICANT IS A UNITED STATES CITIZEN OR, IF NOT A UNITED STATES CITIZEN, IS LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL LAW; TO PROVIDE FOR TEMPORARY BENEFITS TO BE PAID IN CASES WHERE THE APPLICANT CANNOT PROVIDE PROOF AT THE TIME OF APPLICATION; TO REQUIRE CERTAIN STATE AGENCIES TO COOPERATE WITH LOCAL GOVERNMENTS AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO DEVELOP A SYSTEM FOR VERIFYING LAWFUL PRESENCE IN THE UNITED STATES; TO PROVIDE THAT A PERSON WHO WILLFULLY EMPLOYS AN INDIVIDUAL WHO IS INDIGENT AND IS NOT LAWFULLY PRESENT IN THE UNITED STATES SHALL BE RESPONSIBLE FOR THE COST OF MEDICALLY NECESSARY SERVICES TO THE INDIVIDUAL EMPLOYED; AND TO AUTHORIZE ANY INDIVIDUAL TO FILE A COMPLAINT WITH THE AFFECTED STATE AGENCY FOR ITS FAILURE TO COMPLY WITH THIS ACT.

Referred to the **Judiciary I Committee**.

By Senators Webster; Apodaca, Berger of Rockingham, Bingham, East, Garwood, Goodall and Hunt:

S.B. 977, A BILL TO BE ENTITLED AN ACT TO ALLOW AN AUTOMATIC EXTENSION OF THE TIME TO FILE A STATE TAX RETURN WHEN THE TAXPAYER RECEIVES AN EXTENSION TO FILE THE CORRESPONDING FEDERAL TAX RETURN.

Referred to the **Finance Committee**.

By Senators Swindell; and Atwater:

S.B. 978, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INSTITUTE OF MEDICINE AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Malone:

S.B. 979, A BILL TO BE ENTITLED AN ACT TO REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF

EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; AND REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT.

Referred to the **Commerce Committee**.

By Senator Atwater:

S.B. 980, A BILL TO BE ENTITLED AN ACT TO INCLUDE PUBLIC DEFENDERS AS MEMBERS OF THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Cowell; Atwater, Hunt and Malone:

S.B. 981, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO STUDY WATER QUALITY IN THE STATE'S DRINKING WATER RESERVOIRS, TO DEVELOP AND IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR RESERVOIRS FOR WHICH WATER QUALITY MONITORING IS PLANNED, AND TO REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION ON THE STATUS OF CURRENT RULE MAKING TO IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR ANY IMPAIRED RESERVOIRS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Cowell; Graham, Hunt, Malone and Stevens:

S.J.R. 982, A JOINT RESOLUTION REQUESTING THE LEGISLATIVE RESEARCH COMMISSION STUDY THE ISSUE OF REDUCING THE WAITING PERIOD BEFORE WHICH CITIES MAY ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION TO BE REPAIRED OR DEMOLISHED.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Garrou:

S.B. 983, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SOUTHEASTERN CENTER FOR CONTEMPORARY ART.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hoyle; Albertson, Apodaca, Brown, Dalton, East, Garwood, Goodall, Graham, Hagan, Hartsell, Hunt, Jenkins, Presnell, Rand, Soles, Stevens, Swindell, Tillman and Weinstein:

S.B. 984, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT.

Referred to the **Commerce Committee**.

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By Senators Hoyle; Albertson, Apodaca, East, Hartsell, Jenkins, Rand and Swindell:

S.B. 985, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR NEW POSITIONS NEEDED TO ASSIST THE NORTH CAROLINA INDUSTRIAL COMMISSION TO ENSURE THAT THE COMMISSION HAS ADEQUATE RESOURCES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hoyle; Apodaca, Dalton, Hartsell, Kerr, Soles and Stevens:

S.B. 986, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR FUEL MARKETING ACT.

Referred to the **Commerce Committee**.

By Senators Apodaca, Rand; Bingham and Brock:

S.B. 987, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE SCHOOL TESTING PROGRAM.

Referred to the **Education/Higher Education Committee**.

By Senator Hoyle:

S.B. 988, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY TO GASTON COLLEGE.

Referred to the **Education/Higher Education Committee**, and upon a favorable report, re-referred to the **Finance Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Hoyle; Forrester, Jenkins, Purcell, Smith, Stevens and Weinstein:

S.B. 989, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS IMPACTING MEDICAL MALPRACTICE INSURANCE RATES TO IMPROVE THE COST OF PROVIDING HEALTH CARE IN NORTH CAROLINA.

Referred to the **Ways & Means Committee**.

By Senator Kinnaird:

S.B. 990, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH AND MAINTAIN A DATABASE OF VIOLATIONS AND ENFORCEMENT ACTIONS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Apodaca:

S.B. 991, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

Referred to the **Judiciary II Committee**.

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By Senators Thomas; and Boseman:

S.B. 992, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EQUIPMENT AND INFRASTRUCTURE NEEDS AT THE STATE PORTS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Thomas:

S.B. 993, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE ENVIRONMENT.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 994, A BILL TO BE ENTITLED AN ACT TO STABILIZE THE MOTOR FUEL TAX BY IMPOSING A CAP ON THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUELS TAX RATE AT ITS CURRENT RATE, TO ADJUST THE MOTOR FUEL EXCISE TAX RATE, AND TO INCREASE THE ANNUAL OPERATING FEES FOR PETROLEUM COMMERCIAL UNDERGROUND STORAGE TANKS IN ORDER TO PROTECT REVENUES AVAILABLE TO THE HIGHWAY FUND AND HIGHWAY TRUST FUND AND TO PROVIDE ADEQUATE FUNDS FOR THE CLEANUP OF PETROLEUM CONTAMINATED PROPERTY.

Referred to the **Finance Committee**.

By Senators Pittenger; Berger of Rockingham, Brock, Garwood, Goodall, Horton and Hunt:

S.B. 995, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ASSESSMENT OF THE ADMINISTRATIVE NEEDS OF THE PUBLIC SCHOOLS, THE COMMUNITY COLLEGE SYSTEM, AND THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Education/Higher Education Committee**.

By Senators Cowell and Malone; Atwater:

S.B. 996, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO PRIVACY AND PERSONAL INFORMATION PROTECTION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Brock; and Tillman:

S.B. 997, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO REFORM LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.

Referred to the **Ways & Means Committee**.

By Senator Albertson:

S.B. 998, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PROVISION OF THE COASTAL HABITAT PROTECTION PLAN BY PROVIDING FOR GREATER FLEXIBILITY IN THE USE OF FUNDS FROM

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THE RIPARIAN BUFFER RESTORATION FUND TO CONSTRUCT ALTERNATIVE MEASURES TO REDUCE NUTRIENT LOADING AND BY PROVIDING THAT IF A LAND-DISTURBING ACTIVITY LEAVES AN EXPOSED SLOPE, THE SLOPE SHALL BE PLANTED WITH TEMPORARY OR PERMANENT GROUND COVER WITHIN TWENTY-ONE CALENDAR DAYS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Albertson:

S.B. 999, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTERS 113, 130A, 143, AND 143B OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Albertson:

S.B. 1000, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TAX CREDIT FOR CONTRIBUTIONS MADE TO THE AGRICULTURAL FINANCE AUTHORITY AND TO AUTHORIZE THE AUTHORITY TO UTILIZE THE CONTRIBUTIONS TO PROMOTE THE EXPANSION AND GROWTH OF AGRICULTURAL DEVELOPMENT PROJECTS AND AGRICULTURAL INVESTMENT IN THE STATE.

Referred to the **Finance Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Thomas and Boseman:

S.B. 1001, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EQUIPMENT AND INFRASTRUCTURE NEEDS AT THE STATE PORTS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Thomas:

S.B. 1002, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANSION OF THE NORTH CAROLINA MARITIME MUSEUM.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Thomas:

S.B. 1003, A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT AND TO MAKE OTHER CONFORMING CHANGES.

Referred to the **Judiciary II Committee**.

By Senator Shaw:

S.B. 1004, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL LAWS CONCERNING EMPLOYMENT DISCRIMINATION AND AUTHORIZING THE CIVIL RIGHTS DIVISION OF THE OFFICE OF ADMINISTRATIVE HEARINGS TO ISSUE SUBPOENAS AND TO SEEK COMPENSATORY AND PUNITIVE DAMAGES AND INJUNCTIVE RELIEF.

Referred to the **Judiciary II Committee**.

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By Senator Lucas:

S.B. 1005, A BILL TO BE ENTITLED AN ACT TO PROVIDE EDUCATION STANDARDS FOR QUALIFIED PERSONNEL UNDER THE LAWS PERTAINING TO VOCATIONAL REHABILITATION SERVICES.

Referred to the **Education/Higher Education Committee**.

By Senators Clodfelter, Nesbitt; Atwater, Bingham, Cowell, Garrou, Graham, Hagan, Hartsell, Lucas and Malone:

S.B. 1006, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA LOW-EMISSION VEHICLES PROGRAM.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Hagan; Garrou and Malone:

S.B. 1007, A BILL TO BE ENTITLED AN ACT TO PROVIDE FULL TUITION FOR STUDENTS THAT ARE CHILDREN OF PUBLIC SCHOOL TEACHERS AND WHO ENROLL AT A CONSTITUENT INSTITUTION OR A COMMUNITY COLLEGE AND TO PROVIDE A PARTIAL TUITION GRANT FOR STUDENTS THAT ARE CHILDREN OF PUBLIC SCHOOL TEACHERS AND WHO ENROLL IN A PRIVATE INSTITUTION OF HIGHER EDUCATION IN THIS STATE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hagan; Atwater, Forrester and Snow:

S.B. 1008, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SAFETY TELEPHONE ACT.

Referred to the **Commerce Committee**.

By Senator Hagan:

S.B. 1009, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE ENDORSEMENT OF LASER HAIR CLINICIANS AND LASER HAIR CLINICIAN INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE ENDORSEMENTS.

Referred to the **Health Care Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Hagan:

S.B. 1010, A BILL TO BE ENTITLED AN ACT TO STUDY THE ISSUE OF TEACHER SALARIES AND TO DETERMINE WHETHER THE SALARIES OF MATH AND SCIENCE TEACHERS SHOULD BE INCREASED.

Referred to the **Rules and Operations of the Senate Committee**.

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By Senator Hagan:

S.B. 1011, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPALITIES TO ISSUE REVENUE BONDS FOR THE CONSTRUCTION OF WATER TREATMENT AND RELATED FACILITIES TO BE OWNED BY A WATER AND SEWER AUTHORITY.

Referred to the **Finance Committee**.

By Senators Malone; and Purcell:

S.B. 1012, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION ON AGING, FOR THE FOOD RUNNERS COLLABORATIVE, INC.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hoyle:

S.B. 1013, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO CIVIL PENALTIES UNDER THE LAWS REGULATING GENERAL CONTRACTORS.

Referred to the **Judiciary I Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 1014, A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY IN THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Jenkins and Albertson:

S.B. 1015, A BILL TO BE ENTITLED AN ACT TO CREATE A TAX CREDIT FOR THE PURCHASE OR LEASE OF ALTERNATIVE FUEL VEHICLES TO HELP REDUCE DEPENDENCE ON IMPORTED PETROLEUM AND IMPROVE AIR QUALITY.

Referred to the **Finance Committee**.

By Senator Lucas:

S.B. 1016, A BILL TO BE ENTITLED AN ACT EXTENDING THE AGE AT WHICH CHILD SUPPORT IS TERMINATED.

Referred to the **Judiciary I Committee**.

By Senator Nesbitt:

S.B. 1017, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON CIGARETTES, BEER, WINE, AND LIQUOR AND TO USE A PORTION OF THE INCREASED REVENUES FROM THESE TAXES TO EXEMPT TOBACCO BUYOUT PAYMENTS FROM STATE CORPORATE AND INDIVIDUAL INCOME TAX, TO APPROPRIATE

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THIRTY MILLION DOLLARS TO THE AGRICULTURAL ADVANCEMENT CONSORTIUM OF THE RURAL ECONOMIC DEVELOPMENT CENTER FOR MARKET RESEARCH AND DEVELOPMENT OF AGRICULTURAL COMMODITIES AND INVESTMENTS IN VALUE-ADDED PRODUCTS AND BUSINESSES, AND TO APPROPRIATE TWENTY-FIVE MILLION DOLLARS TO THE TRUST FUND FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE FUNDING NEEDS.

Referred to the **Finance Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Brock; and Apodaca:

S.B. 1018, A BILL TO BE ENTITLED AN ACT ADOPTING THE COUGAR AS THE OFFICIAL STATE CAT OF NORTH CAROLINA.

Referred to the **State & Local Government Committee**.

By Senator Clodfelter:

S.B. 1019, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE ADMINISTRATIVE ORDERS, AND TO ESTABLISH A PILOT PROGRAM THAT ALLOWS THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DETERMINE AND RETAIN THE ACTUAL COSTS OF COLLECTING CIVIL PENALTIES, FINES, AND FORFEITURES.

Referred to the **Agriculture/Environment/Natural Resources Committee**, and upon a favorable report, re-referred to the **Finance Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Graham; and Cowell:

S.B. 1020, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT RULES REQUIRING FOOD ESTABLISHMENTS TO POST INFORMATION ABOUT CERTAIN FOOD ALLERGIES.

Referred to the **Health Care Committee**.

By Senators Graham; Berger of Franklin, Clodfelter and Holloman:

S.B. 1021, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR THE NORTH CAROLINA COMMUNITY DEVELOPMENT INITIATIVE, INC.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Goodall:

S.B. 1022, A BILL TO BE ENTITLED AN ACT TO ELIMINATE PENALTIES AND INTEREST ON FRANCHISE TAX PAYMENTS THAT ARE PAID WITH AN EXTENSION WHEN THE TAX LIABILITY IS LESS THAN ONE HUNDRED DOLLARS.

Referred to the **Finance Committee**.

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By Senator Swindell:

S.B. 1023, A BILL TO BE ENTITLED AN ACT TO INCLUDE ENROLLMENT FUNDING FOR THE UNIVERSITY OF NORTH CAROLINA IN THE CONTINUATION BUDGET.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Kinnaird:

S.B. 1024, A BILL TO BE ENTITLED AN ACT TO EQUALIZE THE COVERAGE FOR WELL-BABY NURSERY CARE UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Select Committee on Teachers and State Employees' Health Plan**.

By Senators Kinnaird; Clodfelter and Nesbitt:

S.B. 1025, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC PHYSICIANS REGISTRATION ACT.

Referred to the **Health Care Committee**.

By Senator Kinnaird:

S.B. 1026, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE TO ITS NONFACULTY EMPLOYEES THE SAME PARENTAL LEAVE AND DISABILITY LEAVE BENEFITS AS THOSE PROVIDED TO THE FACULTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Cowell; and Malone:

S.B. 1027, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PURCHASE AND RESTORATION OF THE HISTORIC DR. MANASSA THOMAS POPE HOUSE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Cowell; Kinnaird and Malone:

S.B. 1028, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS REGULATING THE COMPOUNDING, PRESCRIBING, ADMINISTERING, AND DISPENSING OF DRUGS FOR THE PROTECTION OF THE HEALTH AND SAFETY OF CONSUMERS.

Referred to the **Health Care Committee**.

By Senators Cowell; Berger of Franklin, Bingham, Clodfelter, Graham, Kinnaird and Malone:

S.B. 1029, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND ENHANCE THE LAWS RELATING TO DOMESTIC VIOLENCE AND TO ENACT LAWS REGARDING DOMESTIC VIOLENCE VICTIMS AND TENANCY.

Referred to the **Judiciary I Committee**.

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By Senators Cowell; Berger of Franklin, Bingham, Clodfelter, Graham, Kinnaird and Malone:

S.B. 1030, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A RECYCLING PROGRAM FOR ELECTRONIC DEVICES AND TO IMPOSE A TAX ON THOSE DEVICES IN ORDER TO FUND THE PROGRAM AND TO PROVIDE LOCAL GOVERNMENTS WITH FUNDS TO ENABLE THEM TO RECYCLE ELECTRONIC DEVICES.

Referred to the **Finance Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hartsell:

S.B. 1031, A BILL TO BE ENTITLED AN ACT TO ALLOW CONDEMNATION OF ABANDONED, CLOSED, UNUSED OR INDEFINITELY IDLE TEXTILE OR FURNITURE MANUFACTURING FACILITIES AND DIRECTLY RELATED ABANDONED, CLOSED, UNUSED OR INDEFINITELY IDLE PROPERTIES FOR THE PURPOSE OF FACILITATING THE ADAPTIVE REDEVELOPMENT AND/OR REUSE OF THE PROPERTY.

Referred to the **Judiciary II Committee**.

By Senator Garwood:

S.B. 1032, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS THAT INHERENTLY DANGEROUS ANIMALS POSE AND TO PROTECT THE WELFARE OF INHERENTLY DANGEROUS ANIMALS.

Referred to the **Judiciary II Committee**.

By Senators East; Brock, Webster and Weinstein:

S.B. 1033, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE DIFFERENT TYPES OF ENGINES USED TO POWER THE STATE'S MOTOR FLEET.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators East; Apodaca, Berger of Rockingham, Blake, Brock, Forrester, Garwood, Pittenger, Smith and Webster:

S.B. 1034, A BILL TO BE ENTITLED AN ACT TO REDUCE THE DEER POPULATION IN NORTH CAROLINA.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Jenkins:

S.B. 1035, A BILL TO BE ENTITLED AN ACT TO REQUIRE AN ANALYSIS OF THE POTENTIAL INCREASED COST TO DEPARTMENT OF TRANSPORTATION CONSTRUCTION OR MAINTENANCE PROJECTS OF ANY NEW STATE RULE OR POLICY AFFECTING ENVIRONMENTAL PERMITTING FOR DEPARTMENT OF TRANSPORTATION PROJECTS, PRIOR TO THE ADOPTION OF THE RULE OR POLICY, AND TO REQUIRE APPROVAL OF ANY NEW STATE ENVIRONMENTAL PERMITTING RELATED RULE OR POLICY BY THE BOARD OF TRANSPORTATION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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By Senator Jenkins:

S.B. 1036, A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICATION OF THE WORKERS' COMPENSATION ACT TO INCLUDE CERTAIN MOTOR CARRIERS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Jenkins and Kerr:

S.B. 1037, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE USE OF MEDICARE RECEIPTS BY BRODY SCHOOL OF MEDICINE AT EAST CAROLINA UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jenkins and Albertson:

S.B. 1038, A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY BY CREATING A MOBILE SOURCE EMISSIONS REDUCTION PROGRAM FUND THROUGH AN EMISSIONS-BASED SURCHARGE ON VEHICLE REGISTRATION FEES.

Referred to the **Agriculture/Environment/Natural Resources Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Jenkins; and Brock:

S.B. 1039, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN PENALTIES FOR COMMITTING SECOND-DEGREE RAPE OR SECOND-DEGREE SEXUAL OFFENSE.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; and Brock:

S.B. 1040, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUMAN CLONING.

Referred to the **Health Care Committee**.

By Senators Clodfelter; Hartsell and Kinnaird:

S.B. 1041, A BILL TO BE ENTITLED AN ACT TO DIRECT A JOINT STUDY OF CREATING A SYSTEM OF NO-FAULT COMPENSATION FOR INJURIES RESULTING FROM CARE PROVIDED AT NURSING HOMES, HOMES FOR THE ELDERLY, OTHER LONG-TERM CARE FACILITIES, AND ASSISTED LIVING FACILITIES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Clodfelter; Albertson, Atwater, Berger of Franklin, Bingham, Boseman, Cowell, Garrou, Graham, Hagan, Hartsell, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow and Swindell:

S.B. 1042, A BILL TO BE ENTITLED AN ACT TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION

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TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; AND TO IMPOSE A REGULATORY SURCHARGE TO FINANCE THE FUND.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; Hartsell and Kinnaird:

S.B. 1043, A BILL TO BE ENTITLED AN ACT TO LOWER THE NUMBER OF AGRICULTURAL WORKERS THAT MUST BE EMPLOYED BY AN EMPLOYER IN ORDER FOR AGRICULTURAL EMPLOYMENT TO BE WITHIN THE PURVIEW OF THE WORKERS' COMPENSATION ACT AND TO PROVIDE A TEMPORARY REFUNDABLE TAX CREDIT FOR THE COSTS OF AGRICULTURAL EMPLOYERS BROUGHT UNDER THE WORKERS' COMPENSATION ACT AS A RESULT OF THIS CHANGE.

Referred to the **Commerce Committee**.

By Senators Clodfelter; and Hartsell:

S.B. 1044, A BILL TO BE ENTITLED AN ACT TO REQUIRE A COURT TO DETERMINE, AFTER NOTICE AND HEARING, WHETHER THE AMOUNT OF UNDERTAKING TO STAY EXECUTION ON A MONEY JUDGMENT PENDING APPEAL IS PROPER AND REASONABLE BASED ON THE CONSIDERATION OF CERTAIN SPECIFIC RELEVANT FACTORS.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; Allran, Hartsell and Kinnaird:

S.B. 1045, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; Cowell, Hartsell and Kinnaird:

S.B. 1046, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ISSUANCE OF BONDS BY THE STATE OF NORTH CAROLINA FOR THE PURPOSES OF ENSURING THAT NORTH CAROLINA WILL HAVE ADEQUATE WATER AND SEWER INFRASTRUCTURE NECESSARY FOR PUBLIC HEALTH AND ECONOMIC DEVELOPMENT, PROVIDING ADDITIONAL ASSISTANCE TO LOCAL GOVERNMENTS FOR THE REPLACEMENT OF OUTDATED AND INADEQUATE PUBLIC SCHOOL FACILITIES AND CONSTRUCTION OF NEW FACILITIES TO RESPOND TO RAPID GROWTH IN SCHOOL-AGE POPULATIONS, PROVIDING FUNDS FOR A STATEWIDE "LAND FOR TOMORROW" PROGRAM TO ACQUIRE, PROTECT, AND MANAGE CRITICAL OPEN SPACES AND RECREATIONAL AREAS; TO CALL FOR A REFERENDUM TO AUTHORIZE THE ISSUANCE OF SUCH BONDS; AND TO PROVIDE FOR A DEDICATED PERMANENT SOURCE OF FUNDING FOR THE REPAYMENT OF SUCH BONDS.

Referred to the **Rules and Operations of the Senate Committee**.

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By Senators Clodfelter; Cowell, Hartsell and Kinnaird:

S.B. 1047, A BILL TO BE ENTITLED AN ACT TO CREATE AND PROVIDE FUNDS FOR THE RURAL OBSTETRICAL AND EMERGENCY DEPARTMENT CARE INCENTIVE FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter; Albertson, Allran, Dalton, Dannelly, Garrou, Graham, Hagan, Hoyle, Kinnaird, Purcell, Rand, Soles, Swindell, Thomas and Weinstein:

S.B. 1048, A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005.

Referred to the **Judiciary I Committee**.

By Senators Hoyle and Kerr:

S.B. 1049, A BILL TO BE ENTITLED AN ACT TO REPLACE THE TAX CREDITS GENERALLY AVAILABLE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT WITH MORE NARROWLY FOCUSED CREDITS FOR JOB CREATION AND BUSINESS INVESTMENT; AND TO EXTEND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM.

Referred to the **Finance Committee**.

By Senators Garwood; and Dalton:

S.B. 1050, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE EQUITY FUNDING FOR APPALACHIAN STATE UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou:

S.B. 1051, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE SCHOLARSHIP LOAN FUND FOR PROSPECTIVE TEACHERS FROM THE DEPARTMENT OF PUBLIC INSTRUCTION TO THE STATE EDUCATION ASSISTANCE AUTHORITY AND TO APPROPRIATE FUNDS FOR ADDITIONAL SCHOLARSHIP LOANS.

Referred to the **Education/Higher Education Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou:

S.B. 1052, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE BUSINESS EDUCATION TECHNOLOGY ALLIANCE.

Referred to the **Education/Higher Education Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou:

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 PROVIDE FUNDS FOR NEED-BASED SCHOLARSHIPS FOR

STUDENTS ENROLLED IN THE TEACHER EDUCATION PROGRAMS AT THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES THAT DO NOT HAVE ANY TEACHING FELLOWS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou:

S.B. 1054, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH THE CENTER FOR TRANSLATIONAL BIOTECHNOLOGY AT WINSTON-SALEM STATE UNIVERSITY AND TO COVER OPERATING COSTS OF THE CENTER.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Lucas; and Kinnaird:

S.B. 1055, A BILL TO BE ENTITLED AN ACT TO ESTABLISH LICENSURE REQUIREMENTS FOR GLASS TECHNICIANS.

Referred to the **Commerce Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Lucas; and Kinnaird:

S.B. 1056, A BILL TO BE ENTITLED AN ACT TO ESTABLISH LICENSURE REQUIREMENTS FOR CERTAIN MOTOR VEHICLE REPAIR SHOPS, COLLISION REPAIR ESTIMATORS, AND COLLISION REPAIR TECHNICIANS.

Referred to the **Commerce Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Dalton, Swindell and Lucas:

S.B. 1057, A BILL TO BE ENTITLED AN ACT TO ENACT THE EDUCATION AND ECONOMIC COMPETITIVENESS ACT OF 2005.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Dalton:

S.B. 1058, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO ASSAULT AN ASSISTANCE ANIMAL WITH THE INTENT TO CAUSE PSYCHOLOGICAL HARM TO THE ANIMAL.

Referred to the **Judiciary II Committee**.

By Senator Purcell:

S.B. 1059, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS.

Referred to the **Health Care Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

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By Senator Goodall:

S.B. 1060, A BILL TO BE ENTITLED AN ACT TO ENACT THE STUDENT EDUCATION ELECTION PROGRAM, AN EDUCATIONAL OPTION PROGRAM FOR CHILDREN FROM LOW- AND MIDDLE-INCOME FAMILIES.

Referred to the **Education/Higher Education Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Goodall:

S.B. 1061, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE CAROLINA CIVIC AND EQUINE CENTER IN UNION COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Goodall; and Brock:

S.B. 1062, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTION FORMULA FOR FUNDS EXPENDED ON THE INTRASTATE SYSTEM AND TRANSPORTATION IMPROVEMENT PROGRAM PROJECTS.

Referred to the **Transportation Committee**.

By Senators Goodall; and Brock:

S.B. 1063, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE FURTHER TRANSFER OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Goodall; Forrester, Jacumin and Purcell:

S.B. 1064, A BILL TO BE ENTITLED AN ACT TO REQUEST THAT THE LEGISLATIVE RESEARCH COMMISSION STUDY THE ISSUE OF INTEGRATING A LIVING WILL WITH THE DRIVERS LICENSE PROCESS, SIMILAR TO ORGAN DONATION, WITH A STANDARDIZED LIVING WILL.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Garwood; and Dalton:

S.B. 1065, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE PLANNING AND DESIGN OF A FACILITY FOR THE REICH COLLEGE OF EDUCATION AT APPALACHIAN STATE UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Rand; and Albertson:

S.B. 1066, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SEX OFFENDER REGISTRATION LAW.

Referred to the **Judiciary I Committee**.

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By Senator Rand:

S.B. 1067, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A DEFENSE TECHNOLOGY INNOVATION CENTER.

Referred to the **Information Technology Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1068, A BILL TO BE ENTITLED AN ACT CONSOLIDATING EXPENSES FOR MEDICAID.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1069, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS STATUTES RELATED TO DRIVING WHILE IMPAIRED, AS RECOMMENDED BY THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 1070, A BILL TO BE ENTITLED AN ACT TO BALANCE FAIR SENTENCING AND STRUCTURED SENTENCING AND TO KEEP INMATES WHO POSE GREAT RISKS TO SOCIETY IN THE PRISONS.

Referred to the **Judiciary I Committee**.

By Senators Rand; Berger of Franklin, Holloman, Kinnaird, and Lucas:

S.B. 1071, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA MINORITY SUPPORT CENTER TO FURTHER A STATEWIDE PROGRAM OF LENDING FOR HOMEOWNERSHIP AND WEALTH CREATION IN DISADVANTAGED COMMUNITIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1072, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO CHANGE THE DEFINITION OF "PRIMARY CARE HOSPITAL" TO CONFORM TO FEDERAL CHANGES; TO AUTHORIZE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUSPEND ADMISSIONS OR SERVICES IN HOSPITALS AS PART OF TAKING ADVERSE ACTION AGAINST A HOSPITAL'S LICENSE; AND TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ESTABLISH STAFF QUALIFICATIONS FOR HOSPITAL STAFF.

Referred to the **Health Care Committee**.

By Senators Rand; and Albertson:

S.B. 1073, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR REGIONAL COUNCILS OF GOVERNMENT TO DEVELOP AND IMPLEMENT A WATER RESOURCE MANAGEMENT PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Rand:

S.B. 1074, A BILL TO BE ENTITLED AN ACT TO MAKE STATUTORY CHANGES TO IMPROVE QUALITY AND SAFETY IN HOME CARE SERVICES, MENTAL HEALTH FACILITIES, ADULT CARE HOMES, AND CERTAIN HOSPITAL FACILITIES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE CHANGES.

Referred to the **Health Care Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1075, A BILL TO BE ENTITLED AN ACT TO CREATE A NORTH CAROLINA EDUCATION LOTTERY.

Referred to the **Ways & Means Committee**.

By Senator Rand:

S.B. 1076, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A FULL SCHOLARSHIP STUDENT WHO ATTENDS A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA SHALL BE CONSIDERED AND TREATED FOR ALL PURPOSES OF THE UNIVERSITY OF NORTH CAROLINA AS A RESIDENT OF NORTH CAROLINA.

Referred to the **Education/Higher Education Committee**.

By Senator Rand:

S.B. 1077, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE DURATION OF A MOTORCYCLE LEARNER'S PERMIT AND TO SET THE FEE FOR THE PERMIT.

Referred to the **Transportation Committee**.

By Senators Berger of Rockingham and Hoyle:

S.B. 1078, A BILL TO BE ENTITLED AN ACT TO EXCLUDE SERVICES PROVIDED BY CERTAIN CORPORATE OFFICERS FROM THE DEFINITION OF EMPLOYMENT FOR THE PURPOSES OF UNEMPLOYMENT INSURANCE.

Referred to the **Finance Committee**.

By Senators Berger of Rockingham; Allran, Apodaca, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hunt, Jacumin, Pittenger, Presnell, Stevens, Tillman and Webster:

S.B. 1079, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF NONVOTED INDEBTEDNESS THE GENERAL ASSEMBLY IS AUTHORIZED TO INCUR OR ISSUE IN A SINGLE FISCAL YEAR TO TWENTY-FIVE MILLION DOLLARS UNLESS IT IS APPROVED BY A VOTE OF THE PEOPLE.

Referred to the **Ways & Means Committee**.

By Senator Berger of Rockingham:

S.B. 1080, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING A FIREARM INTO A MOVING VEHICLE, TO CREATE THE OFFENSE OF AGGRAVATED ASSAULT ON A FEMALE, TO AMEND THE FALSE REPORT OF A BOMB STATUTE, TO

INCREASE THE PENALTY FOR SALE OR DELIVERY OF TWO POUNDS OR MORE OF MARIJUANA, AND TO INCREASE REGULATORY PROVISIONS RELATING TO REGISTERED SEX OFFENDERS.

Referred to the **Judiciary I Committee**.

By Senator Berger of Rockingham:

S.B. 1081, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURES FOR NOTIFYING OWNERS AND ADVERTISING TAX LIENS ON REAL PROPERTY.

Referred to the **Judiciary I Committee**.

By Senator Berger of Rockingham:

S.B. 1082, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PROVIDE HEALTH INSURANCE BENEFITS TO THEIR DISABLED LAW ENFORCEMENT OFFICERS IF THIS BENEFIT IS PROVIDED TO THE EMPLOYER'S OTHER RETIREES.

Referred to the **Commerce Committee**.

By Senators Albertson and Kerr:

S.B. 1083, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NEUSE REGIONAL WATER AND SEWER AUTHORITY TO COMPLETE THE CONSTRUCTION OF THE REGIONAL WATER SUPPLY TREATMENT PLANT.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 1084, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RELOCATE AND PROTECT THE CSS NEUSE GUNBOAT.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Albertson; Cowell, Kerr and Kinnaird:

S.B. 1085, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY PORTFOLIO STANDARD.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Kerr:

S.B. 1086, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CONSTRUCTION OF A REPLACEMENT FACILITY FOR CHERRY HOSPITAL.

Referred to the **Finance Committee**.

By Senator Kerr:

S.B. 1087, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERSONS WITH A REVOKED DRIVERS LICENSE TO OBTAIN A LIMITED DRIVING PRIVILEGE.

Referred to the **Judiciary II Committee**.

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By Senator Kerr:

S.B. 1088, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION AND THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION TO PROVIDE FOR MEDICAL RELEASE OF LOW-RISK INMATES WHO ARE EITHER PERMANENTLY AND TOTALLY DISABLED OR TERMINALLY ILL.

Referred to the **Judiciary II Committee**.

By Senators Kerr and Jenkins:

S.B. 1089, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PITT COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES OR COMMUNITY COLLEGE PLANT FUND PURPOSES, IF APPROVED BY THE VOTERS OF THE COUNTY.

Referred to the **Finance Committee**.

By Senator Kerr:

S.B. 1090, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR PLAYGROUND EQUIPMENT OR RENOVATIONS FROM FUNDS ALLOCATED TO THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Kerr:

S.B. 1091, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING TO ADDRESS THE CRITICAL INFRASTRUCTURE NEEDS RELATING TO WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS; TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CLEAN WATER REVOLVING LOAN AND GRANT ACT INCLUDING THE FOLLOWING: EXPAND BOTH THE PROJECTS AND APPLICANTS THAT ARE ELIGIBLE TO RECEIVE LOANS AND GRANTS FROM THE REVOLVING LOAN AND GRANT FUND, ALLOW THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO SET LOWER INTEREST RATES AND EXTEND REPAYMENT TERMS TO THIRTY YEARS OF THE EXPECTED LIFE OF A PROJECT, TO DIRECT THE DEPARTMENT TO NEGOTIATE WITH THE ENVIRONMENTAL PROTECTION AGENCY TO DEVELOP AN INTEGRATED PRIORITY SYSTEM THAT WILL ADDRESS BOTH POINT AND NONPOINT SOURCE WASTEWATER PROJECTS AND TO MAKE OTHER CLARIFYING, TECHNICAL, AND CONFORMING CHANGES; TO CLARIFY THAT STORMWATER PLANNING PROJECTS AND WATER SUPPLY PLANNING PROJECTS ARE PURPOSES THAT MAY BE FUNDED BY THE CLEAN WATER MANAGEMENT TRUST FUND; AND TO ESTABLISH THE RURAL CENTER WATER SUPPLY AND WASTEWATER TREATMENT FUND TO BE ADMINISTERED BY THE RURAL ECONOMIC DEVELOPMENT CENTER AND TO BE USED TO AWARD LOANS AND

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GRANTS TO LOCAL GOVERNMENTS, PUBLIC SYSTEMS, AND PRIVATE NONPROFIT SYSTEMS FOR WATER SUPPLY SYSTEMS, WASTEWATER TREATMENT SYSTEMS, AND STORMWATER PROJECTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Holloman; Berger of Franklin, Malone and Shaw:

S.B. 1092, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAWS PERTAINING TO THE APPOINTMENT OF CERTAIN MEMBERS TO THE NORTH CAROLINA MEDICAL BOARD IN ORDER TO ESTABLISH A NEW PROCESS WHEREBY CERTAIN MEMBERS ARE ELECTED TO SERVE ON THE BOARD AND TO AMEND REPORTING REQUIREMENTS UNDER THE LAWS REGULATING THE PRACTICE OF MEDICINE.

Referred to the **Health Care Committee**.

By Senators Holloman; and Berger of Franklin:

S.B. 1093, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO ESTABLISH AN ASSISTANT COUNTY RANGER POSITION IN THE DIVISION OF FOREST RESOURCES TO BE ASSIGNED TO BERTIE COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Holloman, Berger of Franklin, Cowell; Albertson, Boseman, Jenkins, Malone, Shaw, Snow, Swindell and Thomas:

S.B. 1094, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO PROVIDE TO STATE EMPLOYEES AND PUBLIC SCHOOL PERSONNEL A LEGISLATIVE PAY INCREASE OF FIVE PERCENT.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Boseman; and Berger of Franklin:

S.B. 1095, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE LOTTERY TO PROVIDE FUNDS TO SUPPORT EDUCATION CAPITAL PROGRAMS AND TO PROVIDE FUNDS FOR PRESCRIPTION DRUGS FOR SENIORS.

Referred to the **Ways & Means Committee**.

By Senators Boseman; and Clodfelter:

S.B. 1096, A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES (I) PROVIDING FOR THE DISPLAY OF THE FLAG OF THE UNITED STATES AND OF NORTH CAROLINA, (II) ENSURING THAT STUDENTS HAVE AN OPPORTUNITY TO RECITE THE PLEDGE OF ALLEGIANCE ON A REGULAR BASIS, (III) PROVIDING FOR INSTRUCTION ON THE MEANING AND HISTORICAL ORIGINS OF THE FLAG AND THE PLEDGE OF ALLEGIANCE AND THE VALUES AND PRINCIPLES THEY REPRESENT, AND (IV) PROVIDING FOR INSTRUCTION ON THE STATE SYMBOLS.

Referred to the **Education/Higher Education Committee**.

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By Senators Boseman; and Clodfelter:

S.B. 1097, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO INCREASE THE NUMBER OF DNA CRIME LAB INVESTIGATORS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Boseman:

S.B. 1098, A BILL TO BE ENTITLED AN ACT PROHIBITING THE RELEASE OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER WITHOUT THE INDIVIDUAL'S CONSENT.

Referred to the **Judiciary I Committee**.

By Senator Nesbitt:

S.B. 1099, A BILL TO BE ENTITLED AN ACT TO REDUCE THE TAX ON SALES OF EQUIPMENT USED FOR RESEARCH AND DEVELOPMENT.

Referred to the **Finance Committee**.

By Senator Nesbitt:

S.B. 1100, A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE COVERAGE FOR MENTAL ILLNESS AND CHEMICAL DEPENDENCY.

Referred to the **Commerce Committee**.

By Senator Nesbitt:

S.B. 1101, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN EXHIBIT COMMEMORATING THE SITTING OF THE FIRST TUBERCULOSIS RETREAT IN ASHEVILLE AS PART OF THE CENTENNIAL CELEBRATION OF THE AMERICAN LUNG ASSOCIATION.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 1102, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO IMPLEMENT THE NORTH CAROLINA ECONOMIC DEVELOPMENT BOARD STUDY RECOMMENDATIONS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 1103, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND APPROPRIATE FUNDS TO THE NORTH CAROLINA SMALL BUSINESS EARLY STAGE CAPITAL FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 1104, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MATERIALS APPLIED BY AUTO BODY SHOPS ARE SUBJECT TO THE

SAME SALES TAX TREATMENT AS REPAIR PARTS INSTALLED BY AUTO REPAIR SHOPS.

Referred to the **Finance Committee**.

By Senator Nesbitt:

S.B. 1105, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Referred to the **Pensions & Retirement and Aging Committee**.

By Senator Clodfelter:

S.B. 1106, A BILL TO BE ENTITLED AN ACT TO REQUIRE TRAINING FOR ALL CAMPAIGN TREASURERS; TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO SET A THREE-YEAR TIME LIMIT BEFORE ANY UNPAID DEBT IN A CAMPAIGN IS DEEMED TO BE A CONTRIBUTION; TO INCLUDE VACANCY ELECTIONS AND NONPARTISAN RUNOFFS IN THE DEFINITION OF "ELECTION" FOR PURPOSES OF CONTRIBUTION LIMITS; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO AUTHORIZE CANDIDATES UNDER THAT FUND TO SPEND MONEY RAISED PRIOR TO THE FILING OF NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO LIMIT THE USE OF CREDIT CARDS FOR PAYMENT OF EXPENDITURES IN PUBLICLY FUNDED JUDICIAL CAMPAIGNS; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; AND TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 1107, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONE OF THE FIFTEEN MEMBERS OF THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION MAY BE FROM A WATER OR SEWER MUNICIPAL UTILITY RATHER THAN AN AUTHORITY.

Referred to the **State & Local Government Committee**.

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By Senators Hagan, Clodfelter; Dalton and Garrou:

S.B. 1108, 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.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Malone; Albertson, Cowell and Weinstein:

S.B. 1109, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE OPERATION OF THE CENTER FOR UNIVERSAL DESIGN AT NORTH CAROLINA STATE UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Malone; Albertson and Cowell:

S.B. 1110, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAINTAIN THE ASSISTIVE TECHNOLOGY PROJECT.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Malone, Cowell, Stevens and Hunt:

S.B. 1111, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN INPATIENT PSYCHIATRIC UNIT IN WAKE COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Berger of Franklin:

S.B. 1112, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING WORKERS' COMPENSATION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Albertson; Apodaca, Atwater, Berger of Franklin, Bingham, Blake, Boseman, Clodfelter, Cowell, East, Garrou, Hagan, Holloman, Jenkins, Kerr, Kinnaird, Malone and Weinstein:

S.B. 1113, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERSONNEL POLICY OF THE GENERAL ASSEMBLY.

Referred to the **State & Local Government Committee**.

By Senator Albertson:

S.B. 1114, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL AUTHORITY FOR LOCAL GOVERNMENTS THAT ADMINISTER APPROVED LOCAL ENVIRONMENTAL PROGRAMS, AND TO PROVIDE ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO REQUEST THE AUTHORITY TO ADMINISTER ALL OR A PORTION OF CERTAIN ENVIRONMENTAL PROGRAMS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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By Senator Albertson:

S.B. 1115, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTERS 113, 130A, 143, AND 143B OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Albertson; Clodfelter and Rand:

S.B. 1116, A BILL TO BE ENTITLED AN ACT TO AMEND THE TOBACCO RESERVE FUND AND TO BAN THE SALE OR DISTRIBUTION OF FLAVORED CIGARETTES TO PROMOTE THE HEALTH AND WELLNESS OF THE STATE'S CITIZENS AND ECONOMIC DEVELOPMENT.

Referred to the **Commerce Committee**.

By Senators Rand, Kerr and Thomas:

S.B. 1117, A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AND GUARDSMEN SUPPORT ACT.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1118, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATE'S DUTY WHEN A CIVIL ACTION IS BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER OR A STATE EMPLOYEE, THE ATTORNEY GENERAL REFUSES TO DEFEND THE OFFICER OR EMPLOYEE ON THE GROUNDS THAT THE OFFICER OR EMPLOYEE DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINES THAT THE OFFICER OR EMPLOYEE DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 1119, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA VETERANS PARK IN THE CITY OF FAYETTEVILLE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1120, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW.

Referred to the **Commerce Committee**.

By Senator Clodfelter:

S.B. 1121, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT BY FACILITATING THE REUSE OF CONTAMINATED REAL PROPERTY BY CLARIFYING THE CIRCUMSTANCES UNDER

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WHICH THE OWNERS OF REAL PROPERTY HAVE A DEFENSE AGAINST LIABILITY FOR THE CLEANUP OF ENVIRONMENTAL DAMAGE AND RESTORATION OF NATURAL RESOURCES AND BY MAKING THAT DEFENSE APPLICABLE TO STATE CLEANUP PROGRAMS.

Referred to the **Judiciary I Committee**.

By Senator Albertson:

S.B. 1122, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO CHANGE THE NAME OF THE WETLANDS RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Albertson:

S.B. 1123, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Albertson:

S.B. 1124, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Albertson:

S.B. 1125, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO KENANSVILLE TO PURCHASE THE HISTORIC SWORD FACTORY PROPERTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Albertson; Boseman, Dalton, Hagan, Holloman, Jenkins, Rand, Thomas and Weinstein:

S.B. 1126, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

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By Senators Dannelly; Graham, Lucas and Malone:

S.B. 1127, 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 **Ways & Means Committee**.

By Senator Dalton:

S.B. 1128, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL NOT IMPOSE PRIOR AUTHORIZATION REQUIREMENTS ON CERTAIN PRESCRIPTION DRUGS.

Referred to the **Health Care Committee**.

By Senator Clodfelter:

S.B. 1129, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE RECOMMENDATIONS OF THE GEOGRAPHIC INFORMATION COORDINATING COUNCIL TO IMPROVE THE MAPPING AND DIGITAL REPRESENTATION OF SURFACE WATERS IN NORTH CAROLINA AS DIRECTED BY S.L. 2004-161.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Albertson; Atwater, Bingham, Boseman, Clodfelter, Cowell, Dalton, Hartsell, Holloman, Jenkins, Purcell, Rand, and Thomas:

S.B. 1130, A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS EFFECTIVE JANUARY 2006.

Referred to the **State & Local Government Committee**.

By Senators Albertson and Clodfelter:

S.B. 1131, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE WASTEWATER DISCHARGE ELIMINATION PROGRAM STATEWIDE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 1132, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (2) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; AND (3) PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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By Senator Albertson:

S.B. 1133, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 113 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO NATURAL RESOURCES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Albertson; Atwater, Berger of Franklin, Clodfelter, Cowell, Garrou, Hagan, Kerr, Kinnaird, Lucas, Nesbitt and Snow:

S.B. 1134, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO (1) DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, (2) DEVELOP A RECOMMENDED GLOBAL WARMING POLLUTANT REDUCTION GOAL, AND (3) RECOMMEND A PROCESS FOR THE DEVELOPMENT OF A STATE CLIMATE ACTION PLAN.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Brock:

S.B. 1135, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURES PERTAINING TO PARENTAL CONSENT FOR A MINOR TO OBTAIN AN ABORTION.

Referred to the **Judiciary I Committee**.

By Senator Brock:

S.B. 1136, A BILL TO BE ENTITLED AN ACT TO MAKE TEXTBOOK SELECTION A LOCAL DECISION.

Referred to the **Education/Higher Education Committee**.

By Senator Brock:

S.B. 1137, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SPORT SHOOTING RANGE THAT RELOCATES DUE TO CERTAIN CIRCUMSTANCES IS STILL CONSIDERED TO BE CONTINUOUSLY IN EXISTENCE SINCE BEGINNING OPERATION AND NOT TO HAVE UNDERGONE A SUBSTANTIAL CHANGE IN USE.

Referred to the **Judiciary I Committee**.

By Senators Brock; East and Garwood:

S.B. 1138, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COUPONING OR WAIVING OF DEDUCTIBLES IN MOTOR VEHICLE GLASS REPAIRS AND AUTOMOTIVE COLLISION REPAIRS.

Referred to the **Commerce Committee**.

By Senators Brock; Pittenger and Webster:

S.B. 1139, A BILL TO BE ENTITLED AN ACT TO REQUIRE EACH CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA TO ADOPT AN "ACADEMIC BILL OF RIGHTS".

Referred to the **Education/Higher Education Committee**.

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By Senator Brock:

S.B. 1140, A BILL TO BE ENTITLED AN ACT TO REQUIRE COMPETITIVE BIDDING ON STATE LEASES OF OFFICE SPACE.

Referred to the **Commerce Committee**.

By Senators Brock; Berger of Rockingham, Bingham, East, Garwood, Kerr and Nesbitt:

S.B. 1141, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE AUTOMOBILE INSURANCE COMPREHENSIVE DEDUCTIBLE ON MOTOR VEHICLE WINDSHIELD GLASS.

Referred to the **Commerce Committee**.

By Senators Snow and Thomas:

S.B. 1142, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A MOTOR VEHICLE SHALL DO UPON THE APPROACH OF AN EMERGENCY VEHICLE.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 1143, A BILL TO BE ENTITLED AN ACT TO RESTORE IMMUNITY PROTECTION TO MUNICIPALITIES AND COUNTIES AND THEIR OFFICERS AND EMPLOYEES WHEN PERFORMING DUTIES IN FURTHERANCE OF PUBLIC SAFETY AND WHEN PERFORMING ACTIVITIES RELATED TO BUILDING INSPECTIONS.

Referred to the **Judiciary II Committee**.

By Senators Boseman; Atwater, Clodfelter, Hartsell, Kerr and Soles:

S.B. 1144, A BILL TO BE ENTITLED AN ACT TO ATTRACT AND RETAIN FILM INDUSTRY JOBS IN THIS STATE BY PROVIDING FOR A TAX INCENTIVE FOR PRODUCTION COMPANIES IN THE STATE.

Referred to the **Finance Committee**.

By Senator Cowell:

S.B. 1145, A BILL TO BE ENTITLED AN ACT RELATING TO FUNDING FOR ADDITIONAL VOTER GUIDES FOR NONPARTISAN JUDICIAL ELECTIONS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1146, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA VETERANS PARK IN THE CITY OF FAYETTEVILLE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1147, A BILL TO BE ENTITLED AN ACT REGARDING FOUNDATION EMPLOYEES.

Referred to the **Rules and Operations of the Senate Committee**.

March 24, 2005

By Senators Jenkins and Albertson:

S.B. 1148, A BILL TO BE ENTITLED AN ACT TO SUPPORT ENERGY SECURITY AND ESTABLISH GOALS FOR ALTERNATIVE FUEL AND ADVANCED TECHNOLOGY VEHICLE USE BY MOTOR VEHICLES IN THE STATE FLEET IN ORDER TO GAIN ENERGY INDEPENDENCE AND IMPROVE AIR QUALITY.

Referred to the **Agriculture/Environment/Natural Resources Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Jenkins and Albertson:

S.B. 1149, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES; AND TO IMPROVE AIR QUALITY.

Referred to the **Agriculture/Environment/Natural Resources Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Jenkins and Albertson:

S.B. 1150, A BILL TO BE ENTITLED AN ACT TO EXEMPT BIODIESEL, FUEL ALCOHOL, AND GASOHOL FROM STATE MOTOR FUEL EXCISE TAX TO HELP REDUCE DEPENDENCE ON IMPORTED PETROLEUM AND IMPROVE AIR QUALITY.

Referred to the **Finance Committee**.

By Senator Berger of Franklin:

S.B. 1151, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Atwater:

S.B. 1152, A BILL TO BE ENTITLED AN ACT REQUESTING STATE DEPARTMENTS AND AGENCIES TO COMPILE A COMPREHENSIVE REPORT OF ECONOMIC ACTIVITIES IN THE STATE AND TO PROVIDE A LIST OF THE STATE'S ASSETS THAT HAVE AN IMPACT ON ECONOMIC DEVELOPMENT TO THE GENERAL ASSEMBLY.

Referred to the **State & Local Government Committee**.

By Senator Atwater:

S.B. 1153, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ANNUAL REPORTING REQUIREMENT FOR ALL STATE AGENCIES AND PRIVATE, NONPROFIT AND OTHER ORGANIZATIONS IN THIS STATE THAT PROVIDE SERVICES TARGETED AT CHILDREN.

Referred to the **Health Care Committee**.

By Senator Albertson:

S.B. 1154, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 113 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO NATURAL RESOURCES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Albertson:

S.B. 1155, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 106 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO AGRICULTURE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Albertson:

S.B. 1156, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 106 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO AGRICULTURE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Albertson; and Kinnaird:

S.B. 1157, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF OYSTER SHELLS IN LANDFILLS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Thomas:

S.B. 1158, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT AND EQUIP AN ADVANCED MANUFACTURING CENTER ON THE CAMPUS OF CRAVEN COMMUNITY COLLEGE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Thomas:

S.B. 1159, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPLETE THE CONSTRUCTION OF THE NORTH CAROLINA HISTORY EDUCATION CENTER AT TRYON PALACE HISTORIC SITES AND GARDENS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Apodaca:

S.B. 1160, A BILL TO BE ENTITLED AN ACT RELATING TO THE REGULATION OF MOTOR VEHICLE PROTECTION PRODUCT WARRANTY AGREEMENTS AND WARRANTORS.

Referred to the **Commerce Committee**.

By Senator Apodaca:

S.B. 1161, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL REGISTRY OF AVAILABLE BEDS IN MENTAL HEALTH FACILITIES TO ASSIST IN THE PLACEMENT OF INDIVIDUALS INVOLUNTARILY COMMITTED TO THE FACILITIES.

Referred to the **Health Care Committee**.

March 24, 2005

By Senators Apodaca; and Hartsell:

S.B. 1162, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW AND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE THAT MAGISTRATES SHALL BE APPOINTED AND REAPPOINTED BY THE CHIEF DISTRICT COURT JUDGE FOR THE DISTRICT THAT INCLUDES THE COUNTY SERVED BY THE MAGISTRATES, AND TO REVISE THE LAWS REGARDING THE SUSPENSION AND REMOVAL OF MAGISTRATES AND THE DELEGATION TO CLERKS OF SUPERIOR COURT OF THE AUTHORITY TO SUPERVISE MAGISTRATES.

Referred to the **Ways & Means Committee**.

By Senator Apodaca:

S.B. 1163, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO THE COMPENSATION OF CLERKS OF SUPERIOR COURT AND APPROPRIATING FUNDS FOR THE SALARY INCREASES ASSOCIATED WITH THOSE CHANGES.

Referred to the **Appropriations/Base Budget Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 7:12 P.M.

THIRTY-FIFTH DAY

Senate Chamber
Monday, March 28, 2005

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 loving God, forgive us when we are so anxious in what we say and do to have the approval of others that we forget it is your approval that brings us peace of mind and clear conscience.

"There is no party in integrity, no politics in goodness. We pray for your grace and help to do better and be better people this week. Amen."

The Chair grants leaves of absence for tonight to Senator Apodaca, Senator Bingham, Senator Garwood, Senator Graham, Senator Pittenger and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

March 28, 2005

The President of the Senate extends privileges of the floor to Dr. Elizabeth P. Kanof from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 41, AN ACT TO MAKE CHANGES TO THE PROCEDURE FOR CONDUCTING NATIONAL CRIMINAL HISTORY RECORD CHECKS FOR LONG-TERM CARE FACILITIES TO CONFORM WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, AND TO MAKE OTHER CONFORMING CHANGES. (Became law upon approval of the Governor, March 24, 2005 - S.L. 2005-4.)

INTRODUCTION OF BILLS AND RESOLUTIONS

Resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Soles:

S.J.R. 1164, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TABOR CITY ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Stevens, Malone; Bingham, Cowell, Forrester, Hunt and Rand:

S.J.R. 1165, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE TOWN OF GARNER ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 794, A BILL TO BE ENTITLED AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS, referred to the **Judiciary II Committee** on March 23.

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 **Commerce 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 **Commerce Committee**.

Upon motion of Senator Basnight, seconded by Senator Smith, the Senate adjourns in honor of Senator Smith's birthday, at 7:10 P.M. to meet tomorrow, Tuesday, March 29, at 3:30 P.M.

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THIRTY-SIXTH DAY

Senate Chamber
Tuesday, March 29, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Ever present God, in the Gospel of Matthew we hear Your words, 'Surely I am with you always, to the very end of the age.'

"Thank you for the reassurance that there is never a time during which You are not present and not speaking to us...never.

"In the busyness of our schedules, in the difficult decision-making attending to being a legislator, You are there...speaking. And there is no distraction so loud that Your voice cannot be heard - if we will only listen. In your Holy Name we pray, Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, March 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 privileges of the floor to Dr. Robert G. Crummie from Rutherfordton, North Carolina, who is serving the Senate as Doctor of the Day, and to Suzette Naylor from Roseboro, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 173, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA COURTS COMMISSION TO STUDY THE ORGANIZATION OF THE GENERAL COURT OF JUSTICE INTO DISTRICTS AND DIVISIONS, with a favorable report.

S.B. 472, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS, with a favorable report.

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S.B. 462, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING DURING A PILOT PROGRAM IN DESIGNATED CORRIDORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65290, which changes the title to read **S.B. 462** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED MEASURING DURING A PILOT PROGRAM IN DESIGNATED CORRIDORS, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 519, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INTERSTATE SERVICES ON A RECIPROCAL BASIS AND TO MAKE TECHNICAL CORRECTIONS TO ARTICLE 24 OF CHAPTER 53 OF THE GENERAL STATUTES, with a favorable report.

S.B. 320, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF THE UNIFORM JUROR FEE AND TO DESIGNATE THE WAIVED FEES TO BE USED FOR SPECIFIED SERVICES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75275, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 533, A BILL TO BE ENTITLED AN ACT TO REVISE AND CLARIFY THE LAW PROVIDING FOR A CHILD'S ALLOWANCE FROM A DECEDENT'S ESTATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15219, is adopted and engrossed.

By Senator Dalton for the **Appropriations/Base Budget Committee**:

S.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, DECREASING THE FEE FOR LIMITED LICENSES, ESTABLISHING THE REQUIREMENTS FOR LIMITED LICENSES, REQUIRING THE COMMISSIONER OF INSURANCE TO PROVIDE FOR ALTERNATIVE LICENSES, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM

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PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JUNE 30, 2005, CHANGING THE EFFECTIVE DATE FOR LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS TO JULY 1, 2005, PROVIDING A TRANSITION PERIOD FOR ORGANIZATIONS REGISTERING UNDER ARTICLE 89 OF CHAPTER 58 OF THE GENERAL STATUTES, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

By Senator Soles for the **Commerce Committee**:

S.B. 644, A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER THE STATE PERSONNEL ACT, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, DECREASING THE FEE FOR LIMITED LICENSES, ESTABLISHING THE REQUIREMENTS FOR LIMITED LICENSES, REQUIRING THE COMMISSIONER OF INSURANCE TO PROVIDE FOR ALTERNATIVE LICENSES, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JUNE 30, 2005, CHANGING THE EFFECTIVE DATE FOR LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS TO JULY 1, 2005, PROVIDING A TRANSITION PERIOD FOR ORGANIZATIONS REGISTERING UNDER ARTICLE 89 OF CHAPTER 58 OF THE GENERAL STATUTES, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

March 29, 2005

S.B. 368 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE FRANKLIN COUNTY BOARD OF EDUCATION FROM PARTISAN TO NONPARTISAN.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 392 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO SELL PERSONAL UNIFORMS AND EQUIPMENT TO PUBLIC SAFETY EMPLOYEES UPON THE EMPLOYEES LEAVING THE CITY'S EMPLOYMENT.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 463 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY AND THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 421, A BILL TO BE ENTITLED AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE SOLICITATION OF CONTRIBUTIONS.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

H.B. 857, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DATE WHEN THE STATE PROPERTY OFFICE MUST SUBMIT A MASTER PLAN FOR THE USE OF THE DOROTHEA DIX PROPERTY TO THE DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Catherine Allran, Hickory; Nicole Aycock, Pikeville; Spencer Johnson W. Biggs, Edenton; Alexandra Elizabeth Boncek, Nags Head; Scott Andrew Boone, Mebane; Laura Anne Bradley, Lexington; Joanna Carmel, Chapel Hill; Jason Lawrence Cooke, Raleigh; Jonathan Kyle Cox, Tabor City; Olivia Drewry, Kitty Hawk; Bailey

March 29, 2005

Philadelphia Green, Cliffside; Jana Valon Hughes, Edenton; Ashley Paige Jeffries, Tarboro; Madeline North Jones, Denver; Riley Jones, Gastonia; Shelly Dale Lancaster, Stantonsburg; Amber Rose McKeithan, Bunn; Eric Reed Noble, Fayetteville; Jordan Michelle Parker, Burlington; Evan Garrett Parrish, Clayton; Gregory Tyler Parrish, Clayton; Laura T. Paschall, Gastonia; Sarah Kathleen Peele, Edenton; and Justin Lanier Sutton, Raleigh.

VETO MESSAGE FROM THE GOVERNOR

The following veto message received from Governor Michael F. Easley, on March 26, is presented to the Senate and disposed of as follows:

S.B. 130 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK AND CERTAIN PROPERTY TO JOHNSON & WALES UNIVERSITY.



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

March 25, 2005

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

Senate Bill 130, "An act to convey certain described property to the County of Currituck and certain property to Johnson & Wales University," among other things, requires the conveyance of a deed for the James K. Polk Building to the Johnson and Wales University.

Pursuant to the mandate of Section 19.5 of the 2004-05 budget bill which states "**Upon the sale of the James K. Polk Building • in the City of Charlotte...** (*emphasis added*)," the State put the property up for bid.

On March 24, 2005, the Council of State approved the sale of the Polk Building to Trinity Capital Advisors, LLC, pursuant to the legally established process set up for disposal of surplus state property.

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Since the property has been sold and deeded for \$5.25 million, it is not available to be deeded to another party as per this legislation, and such a conveyance as contemplated in the bill would be illegal.

Therefore, I veto the bill.



Michael F. Easley

The bill, having been vetoed, is returned to the Clerk of the North Carolina Senate on this
25 day of *March* 2005 at *11:06* for reconsideration by that body.

07-26-05A 10:15 RCVD

J. Pruitt

The House Committee Substitute bill with the veto message is referred to the **Judiciary I Committee**, and the House of Representatives is so notified.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 520, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ASHLEY B. FUTRELL, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Rand, the Rules are suspended and the House Joint Resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Basnight, the joint resolution is read in its entirety and, upon motion of Senator Berger of Rockingham, the remarks of the members are spread upon the Journal, as follows:

Senator Basnight:

“Thank you Madame President, members of the Senate. Ashley Futrell meant a lot to myself and, indirectly, to you for his contributions to this State. He was a patriot, a newspaperman, a public servant, and a loving family man. He died at the age of ninety-three and just a little prior to that at my last visit with Mr. Futrell in his office, and it was always open – his door was never closed when you would come in. He had an old typewriter, an Underwood, I believe it was, that he would peck away at and daily write an editorial in his newspaper. It was an editorial that spoke of life, of progress, failure, of dreams, of aspirations of people and communities, of the condition of the city or the town or the county or

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our State, and he could sting one, and he would do so, rightfully, in many different ways as he did me. I kept coming back for more though and Mr. Ashley would tell me what was wrong with the state of affairs in our community or in our State or our Country and he would share stories, stories that each and every one of you would enjoy so very much. I just wish he could come back and sit here in this Chamber where he once served. He represented the County that I live in and the County that I now represent – Beaufort. He always wanted those communities to be back together. For some period of time I had a piece of Beaufort County and that was never good enough. He wanted Beaufort County to be whole and he wanted Dare County to be a part of that First Senatorial District, just as he represented it in 1965. The story that stands out, and there are many, is during World War II he served and he was at Normandy on D-Day. He worked his way across Europe into France and ended up with a newspaper job there, by the way, and that's how he got into the printing business and the newspaper business. But the one that really stands out for me and he was wounded in Europe, by the way, and when he married his wife, Rachel, who is with us today, and son Brownie, and grandson, Ace, and Brownie's wife, Susan, who you'll meet in a second, the shrapnel still would come out of his legs after they were married. It came from a grenade, as I understand it, in a foxhole. He was one of the great North Carolinians and great warriors of our Country. But the one that stands out, and I think you would like this, Senator Clodfelter, because you are a rabid fan of Churchill. Churchill came to America for a particular speech with Roosevelt and they shared the podium in Harvard. Mr. Ashley was there learning Chinese because as Mr. Ashley told me, it looked like an invasion was going to occur. He had graduated from Duke University with three different degrees and he had tested at such a level that they chose him to learn this very difficult language. In fact, he said he had to learn two. You were learning two different particular languages because if you invaded China or Japan there had to be some interpreters. And he didn't get to go home that particular weekend because he was so far away. Washington and Wilson was a long ways away, and he couldn't get there, so he and a few other soldiers, one from Oklahoma and one from Texas and somewhere else, ended up being the honor guard that was being trained at Harvard in this new language. Everyone else went home except for four or five of those. They became that honor guard. They escorted Churchill into the Commons at Harvard, I believe it is, if I have it correct what he told me. They went through the Commons into the Church and afterwards Churchill invited this honor guard to the back to have a little conversation. He offered a cigar to all these young soldiers and Mr. Ashley had never had a cigar of that value, size, length, or thickness, and he said, 'Well, Mr. Churchill, I certainly can't take this from you.' He said, 'The hell you can't,' and handed it to him in his way. They shared stories and he said, 'Do you know this particular place in South Carolina?' Well that was where Churchill's wife was from. Mr. Ashley shared that story and what it meant for him to see two great world leaders that had saved the world and without the contributions of either of those two, most especially our Country, the freedoms that we have today would not be here. So from Churchill and Roosevelt to the Futrells of the world, we are safe today. He was an incredible man and he loved education. He believed it was the way out of the dungeons of the, how did he describe it, the

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dungeons of the past that imprisoned so many people and locked them out of the knowledge world. He had a way with words that was pretty unique. He worked awfully hard to see that we had a medical school at East Carolina University and today we admit seventy-two young adults every year to learn medicine, Dr. Forrester and Dr. Purcell. We have been very successful with that school. Were it not for Ashley Futrell, he being one of the people, we would not have this school this day. He fought awfully hard for Beaufort Community College to see that it was there in the community that he loved so much and that it would serve so many different people. He never quit fighting for the person who was willing to get up in the morning and try to make a go at it. He loved this State dearly.”

The joint resolution passes its second reading (50-0) and third reading with members standing, and is ordered enrolled.

Upon motion of Senator Basnight, the Chair extends the privileges of the floor to Rachel F. Futrell, wife of Ashley B. Futrell; their son, Ashley B. Futrell, Jr.; his wife, Susan B. Futrell; and their son, Ashley B. Futrell III.

WITHDRAWAL FROM COMMITTEE

S.B. 243, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 1.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State & Local Government Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

ADDITIONAL SPONSORS

Senator Albertson, Senator Dannelly, Senator Forrester, Senator Horton, Senator Soles and Senator Weinstein request to be added as sponsors of previously introduced legislation:

S.B. 1071, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA MINORITY SUPPORT CENTER TO FURTHER A STATEWIDE PROGRAM OF LENDING FOR HOMEOWNERSHIP AND WEALTH CREATION IN DISADVANTAGED COMMUNITIES.

Upon motion of Senator Dannelly, seconded by Senator Holloman, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Wednesday, March 30, at 3:30 P.M.

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MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 489 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY.

Referred to the **State & Local Government Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 578, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVEREND SHERLEY W. EDWARDS OF POTECASTI, NORTH CAROLINA, A CIVIL RIGHTS ADVOCATE AND ARDENT SUPPORTER OF EDUCATION.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:35 P.M.

THIRTY-SEVENTH DAY

Senate Chamber
Wednesday, March 30, 2005

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:

"Creator God, You must desire for some of our prayers to lay aside personal petitions in deference to our recognition and praise of who You are!

"It is Spring in North Carolina. How can we notice the beauty of budding bartlett pear and redbud trees and not understand Browning and Emerson's verse: 'Earth's crammed with Heaven and every common bush is afire with God!'

"The Earth is yours, O Lord, and the beauty thereof! Amen."

The Chair grants leaves of absence for today to Senator Dannelly, Senator Garwood and Senator Holloman.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, March 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.

March 30, 2005

The President of the Senate extends privileges of the floor to Dr. Lynn A. Hughes from Concord, North Carolina, who is serving the Senate as Doctor of the Day, and to Daniel Langille from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWAL FROM COMMITTEE

S.B. 203. A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Lucas for the **Ed/Higher Ed Committee**:



SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

2005-2006

Senator Jeanne Lucas, Co-Chair
Room 311, LOB
Raleigh, NC
(919) 733-4599

Senator A. B. Swindell, IV, Co-Chair
Room 629, LOB
Raleigh, NC 27601-2808
(919) 715-3030

Senator John Garwood, Co-Chair
Room 1118, LB
Raleigh, NC 27601-2808
(919) 733-5742

March 30, 2005

MEMORANDUM

TO: Members of the Senate

FROM: Senator Jeanne Lucas, Co-Chair
Senator A. B. Swindell, IV, Co-Chair
Senator John Garwood, Co-Chair
Education/Higher Education Committee

March 30, 2005

RE: The University Board of Governors Nominees

Pursuant to Senate Resolution 174, the Education/Higher Education Committee has met and voted on the following slate of candidates to be submitted to the Senate. The Senate will elect 8 individuals from this slate to serve on The University of North Carolina Board of Governors.

<u>NOMINEE</u>	<u>SENATE SPONSOR (S)</u>
Peaches Gunter Blank	Senator Hoyle
Michael Brader-Araje	Senator Kinnaird
Phillip R. Dickson	Senator Kerr, Senator Jenkins, Senator Thomas
Ray S. Farris	Senator Clodfelter Senator Dannelly, Senator Graham
Hannah Dawson Gage	Senator Boseman
Dr. Willie Gilchrist	Senator Holloman
Luther H. Hodges, Jr.	Senator Atwater, Senator Hunt
Robert P. Kennel	Senator Garwood Senator Weinstein
Jim Phillips	Senator Hagan
John Spotswood Russell	Senator Dalton
William G. Smith	Senator Lucas
J. Bradley Wilson	Senator Rand

By Senator Swindell for the **Education/Higher Education Committee**:

S.B. 630, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING RESIDENTIAL SCHOOLS TO MAKE THEIR ACCOUNTABILITY SYSTEM AND THEIR SCHOOL IMPROVEMENT PLANS LIKE THOSE OF OTHER PUBLIC SCHOOLS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75278, which changes the title to read **S.B. 630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING RESIDENTIAL SCHOOLS TO MAKE THEIR ACCOUNTABILITY SYSTEM AND THEIR SCHOOL IMPROVEMENT PLANS LIKE THOSE OF OTHER PUBLIC SCHOOLS, AND TO MAKE OTHER TECHNICAL OR CONFORMING CHANGES TO THOSE STATUTES, is adopted and engrossed.

S.B. 709, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF A DEPARTMENT TO SET THE SALARY SUPPLEMENT FOR TEACHERS WORKING AT SCHOOLS OPERATED BY THE DEPARTMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85228, which changes the title to read **S.B. 709** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE SECRETARY

March 30, 2005

OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND THE SECRETARY OF THE STATE DEPARTMENT OF CORRECTION TO SET THE SALARY SUPPLEMENT FOR CERTAIN PERSONNEL WORKING AT PROGRAMS OPERATED BY THEIR DEPARTMENTS, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 517, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ACCOUNT TRANSFERS AND AGENCY APPOINTMENTS BETWEEN AFFILIATED TRUST INSTITUTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85227, is adopted and engrossed.

By Senator East for the **State & Local Government Committee**:

S.B. 773, A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY, with a favorable report.

H.B. 218 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALTER THE DISTRIBUTION OF THE NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES AT THE TOWN OF CLINTON ALCOHOLIC BEVERAGE CONTROL STORES, with a favorable report.

S.B. 867, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME OVER WHICH AN INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR COMMERCIAL PARK MAY REMAIN IN EFFECT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15221, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

S.B. 118, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO DEVELOP A CASE MANAGEMENT PROGRAM FOR RECIPIENTS HAVING A LARGE NUMBER OF PRESCRIPTIONS, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM, with a favorable report.

S.B. 482, A BILL TO BE ENTITLED AN ACT TO EXEMPT LARGE INDOOR ARENAS WITH SEATING CAPACITIES GREATER THAN TWENTY-THREE THOUSAND FROM SMOKING REGULATIONS PROVIDED FOR IN ARTICLE 64 OF CHAPTER 143 OF THE GENERAL STATUTES, with a favorable report.

March 30, 2005

S.B. 765, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF BOARD MEMBERS FOR CERTAIN MULTICOUNTY AREA PROGRAMS, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 210, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE, with a favorable report.

By Senator Malone for the **Information Technology Committee**:

S.B. 1067, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A DEFENSE TECHNOLOGY INNOVATION CENTER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75277, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hoyle for the **Finance Committee**:

S.B. 420, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA, with a favorable report.

S.B. 166, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROSE HILL TO REGULATE GOLF CARTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55203, which changes the title to read **S.B. 166** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ROSE HILL AND BLADENBORO TO REGULATE GOLF CARTS, is adopted and engrossed.

S.B. 396, A BILL TO BE ENTITLED AN ACT ALLOWING COUNTIES TO MAKE CHANGES IN SERVICE DISTRICTS CREATED PURSUANT TO ARTICLE 16 OF CHAPTER 153A OF THE GENERAL 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 75279, is adopted and engrossed.

S.B. 540, A BILL TO BE ENTITLED AN ACT TO APPLY THE FRANCHISE TAX TO CERTAIN LIMITED LIABILITY COMPANIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65292, is adopted and engrossed.

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S.B. 682, A BILL TO BE ENTITLED AN ACT TO EXTEND TO PUBLIC HEALTH AUTHORITIES THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65293, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 644, A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER THE STATE PERSONNEL ACT.

Upon motion of Senator Hoyle, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 6.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 857, AN ACT TO EXTEND THE DATE WHEN THE STATE PROPERTY OFFICE MUST SUBMIT A MASTER PLAN FOR THE USE OF THE DOROTHEA DIX PROPERTY TO THE DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION.

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 520, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ASHLEY B. FUTRELL, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 19)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 490, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW WITH REGARD TO MAKING A FALSE REPORT CONCERNING A DESTRUCTIVE DEVICE.

Referred to the **Judiciary II Committee**.

CALENDAR *(continued)*

S.B. 462 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED MEASURING DURING A PILOT PROGRAM IN DESIGNATED CORRIDORS.

March 30, 2005

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 173, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA COURTS COMMISSION TO STUDY THE ORGANIZATION OF THE GENERAL COURT OF JUSTICE INTO DISTRICTS AND DIVISIONS.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 472, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS.

Senator Thomas offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its second reading (46-0).

Senator Thomas objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, April 4, upon third reading.

S.B. 519, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INTERSTATE SERVICES ON A RECIPROCAL BASIS AND TO MAKE TECHNICAL CORRECTIONS TO ARTICLE 24 OF CHAPTER 53 OF THE GENERAL STATUTES.

The bill passes its second reading (46-0).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, March 31, upon third reading.

S.B. 533 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CLARIFY THE LAW PROVIDING FOR A CHILD'S ALLOWANCE FROM A DECEDENT'S ESTATE.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

ADDITIONAL SPONSOR

Senator Apodaca requests to be added as a sponsor of previously introduced legislation:

S.B. 989, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS IMPACTING MEDICAL MALPRACTICE INSURANCE RATES TO IMPROVE THE COST OF PROVIDING HEALTH CARE IN NORTH CAROLINA.

REMOVAL OF BILL CO-SPONSORS

Senator Apodaca, Senator Blake and Senator East request that they be removed as sponsors of previously introduced legislation:

March 30, 2005

S.B. 1113, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERSONNEL POLICY OF THE GENERAL ASSEMBLY.

Upon motion of Senator Rand, seconded by Senator Shaw, the Senate adjourns at 4:13 P.M. to meet tomorrow, Thursday, March 31, at 12:00 Noon.

THIRTY-EIGHTH DAY

Senate Chamber
Thursday, March 31, 2005

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, scripture says that at times we see through a glass dimly, uncertain of our vision and what the truth really is.

"North Carolina journalist, the late Edward R. Murrow, had his own interesting interpretation of this idea. He said once, "The obscure we see eventually. The completely obvious, it seems, takes longer!"

"On the occasions when we do see the truth clearly, O God, help us to embrace that truth rather than hurry off as if nothing happened. Amen."

The Chair grants leaves of absence for today to Senator Garrou, Senator Garwood, Senator Hagan, Senator Hartsell, Senator Holloman and Senator Thomas.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, March 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Robert Majors, Jr. from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Dave Summerfield from Wilmington, 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. 118, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF

March 31, 2005

MEDICAL ASSISTANCE, TO DEVELOP A CASE MANAGEMENT PROGRAM FOR RECIPIENTS HAVING A LARGE NUMBER OF PRESCRIPTIONS, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Health Care Committee**.

S.B. 773, A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **State & Local Government Committee**.

S.B. 482, A BILL TO BE ENTITLED AN ACT TO EXEMPT LARGE INDOOR ARENAS WITH SEATING CAPACITIES GREATER THAN TWENTY-THREE THOUSAND FROM SMOKING REGULATIONS PROVIDED FOR IN ARTICLE 64 OF CHAPTER 143 OF THE GENERAL STATUTES.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 5.

WITHDRAWAL FROM COMMITTEE

S.B. 1107, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONE OF THE FIFTEEN MEMBERS OF THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION MAY BE FROM A WATER OR SEWER MUNICIPAL UTILITY RATHER THAN AN AUTHORITY, referred to the **State & Local Government Committee** on March 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State & Local Government Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State & Local Government Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

S.B. 1121, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT BY FACILITATING THE REUSE OF CONTAMINATED REAL PROPERTY BY CLARIFYING THE CIRCUMSTANCES UNDER WHICH THE OWNERS OF REAL PROPERTY HAVE A DEFENSE AGAINST LIABILITY FOR THE CLEANUP OF ENVIRONMENTAL DAMAGE AND RESTORATION OF NATURAL RESOURCES AND BY MAKING THAT DEFENSE APPLICABLE TO STATE CLEANUP PROGRAMS, referred to the **Judiciary I Committee** on March 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **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. 540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPLY THE FRANCHISE TAX TO CERTAIN LIMITED LIABILITY COMPANIES.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 7.

S.B. 709 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE SECRETARY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND THE SECRETARY OF THE STATE DEPARTMENT OF CORRECTION TO SET THE SALARY SUPPLEMENT FOR CERTAIN PERSONNEL WORKING AT PROGRAMS OPERATED BY THEIR DEPARTMENTS.

Upon motion of Senator Swindell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 6.

RECOGNITION OF AZALEA PRINCESS

With unanimous consent, upon motion of Senator Boseman, the privileges of the floor are extended to the Azalea Festival Princess and Court and the Azalea Festival President, Grady Richardson. Senator Albertson, Senator Boseman, Senator Brown and Senator Soles are appointed to escort the guests to the Well of the Senate.

Mr. Richardson is recognized and introduces Janelle Upton, the 2005 North Carolina Azalea Festival Princess, who introduces the members of her court: Gracie Smith, Skylar Stetten, Kristin Carpenter and Amber Durgom. Also with her are Azalea Bells Michelle Poulos, Emily Pendergrast, Margie Keel and Emily Williams. The guests present to the Lieutenant Governor and Senator Basnight a framed edition of the 2005 Azalea Festival poster.

The guests are escorted from the Chamber to a standing ovation.

CALENDAR *(continued)*

S.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING COUNTIES TO MAKE CHANGES IN SERVICE DISTRICTS CREATED PURSUANT TO ARTICLE 16 OF CHAPTER 153A OF THE GENERAL STATUTES.

March 31, 2005

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 6.

S.B. 420, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Goodall, Graham, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The bill remains on the Calendar for Monday, April 4, upon third reading.

S.B. 166 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ROSE HILL AND BLADENBORO TO REGULATE GOLF CARTS.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

H.B. 218, A BILL TO BE ENTITLED AN ACT TO ALTER THE DISTRIBUTION OF THE NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES AT THE TOWN OF CLINTON ALCOHOLIC BEVERAGE CONTROL STORES.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled.

S.B. 210, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE.

The bill passes its second (43-1) 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 Malone.

S.B. 517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ACCOUNT TRANSFERS AND AGENCY APPOINTMENTS BETWEEN AFFILIATED TRUST INSTITUTIONS.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 630 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING RESIDENTIAL SCHOOLS TO

MAKE THEIR ACCOUNTABILITY SYSTEM AND THEIR SCHOOL IMPROVEMENT PLANS LIKE THOSE OF OTHER PUBLIC SCHOOLS, AND TO MAKE OTHER TECHNICAL OR CONFORMING CHANGES TO THOSE STATUTES.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 682 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO PUBLIC HEATH AUTHORITIES THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 5.

S.B. 765, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF BOARD MEMBERS FOR CERTAIN MULTICOUNTY AREA PROGRAMS.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 867 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME OVER WHICH AN INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR COMMERCIAL PARK MAY REMAIN IN EFFECT.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 519, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INTERSTATE SERVICES ON A RECIPROCAL BASIS AND TO MAKE TECHNICAL CORRECTIONS TO ARTICLE 24 OF CHAPTER 53 OF THE GENERAL STATUTES.

The bill passes its third reading (43-0) and is ordered sent to the House of Representatives.

Upon motion of Senator Basnight, seconded by Senator Snow, the Senate adjourns subject to receipt of committee reports, to meet Monday, April 4, at 7:00 P.M.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 612, 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

March 31, 2005

EXECUTIVE BRANCH AGENCIES AND EMPLOYEES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75280, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill is referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:12 P.M.

THIRTY-NINTH DAY

Senate Chamber
Monday, April 4, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, if the North Carolina Senate is a microcosm of the people of our State, we bring to You in our prayer tonight two top-of-mind petitions.

"Since we met last, the Catholic Church lost its Pope, and the world lost a charismatic, visionary and caring leader in the death of John Paul II. We are grateful for the eternal hope that promises that he is now in Your presence and experiencing the joy that comes as reward for his faithful service to you and to humankind.

"Secondly, O God, none of us need reminding that The University of North Carolina basketball team plays for the National Championship tonight. We pray for both teams, that they play well. But we hope that Carolina brings home the Championship trophy. Amen."

The Chair grants leaves of absence for tonight to Senator Allran, Senator Apodaca, Senator Basnight, Senator Cowell, Senator Dalton, Senator East, Senator Forrester, Senator Goodall, Senator Hoyle, Senator Jenkins, Senator Rand and Senator Weinstein.

Senator Lucas announces that the Journal of Thursday, March 31, has been examined and is found to be correct. Upon her motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Deputy President Pro Tempore of the Senate extends privileges of the floor to Dr. Warner L. Hall 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.

April 4, 2005

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 218, AN ACT TO ALTER THE DISTRIBUTION OF THE NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES AT THE TOWN OF CLINTON ALCOHOLIC BEVERAGE CONTROL STORES.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 527, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CAPACITY OF PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO PROTECT THE SAFETY AND WELFARE OF THEIR STUDENTS, FACULTY, AND STAFF BY ENACTING THE CAMPUS POLICE ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85230, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Rand, Dannelly; Brown, Kerr, Swindell and Thomas:

S.J.R. 1166, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, AND SILVER STAR, AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY.

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.J.R. 252, A JOINT RESOLUTION HONORING THE 75TH ANNIVERSARY OF THE STATE HIGHWAY PATROL AND PAYING TRIBUTE TO THOSE WHO HAVE DIED IN THE LINE OF DUTY.

Referred to the **Rules and Operations of the Senate Committee**.

April 4, 2005

Upon the appearance of Senator Apodaca in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR

A bill on tonight's Calendar is taken up and disposed of, as follows:

S.B. 420, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Dannelly, Dorsett, Garrou, Garwood, Graham, Hartsell, Horton, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Webster—35.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

Upon the appearance of Senator Allran in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Upon motion of Senator Lucas, seconded by Senator Swindell, the Senate adjourns at 7:17 P.M. to meet tomorrow, Tuesday, April 5, at 3:30 P.M.

FORTIETH DAY

Senate Chamber
Tuesday, April 5, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, forgive us when we have prayed and our prayers have been answered. But we forgot to offer our gratitude to You for those answered prayers!

"Today in the Senate will not be one of those times we forget. Last night we prayed and expressed our hopes. Today, The University of North Carolina Tar Heels are the NCAA Men's Basketball National Champions.

"Thank you, thank you, thank you! Amen."

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The Chair grants leaves of absence for today to Senator Basnight and Senator Goodall.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Monday, April 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Richard Bruch from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to April Carter from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 218, AN ACT TO ALTER THE DISTRIBUTION OF THE NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES AT THE TOWN OF CLINTON ALCOHOLIC BEVERAGE CONTROL STORES. (Became law upon ratification, April 4, 2005 - S.L. 2005-5.)

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 577, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN UNAUTHORIZED INSURER SHALL NOT OPERATE IN THIS STATE IN ITS OWN NAME OR UNDER A "DOING BUSINESS AS" DESIGNATION AS A THIRD PARTY ADMINISTRATOR, with a favorable report.

S.B. 626, A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT REGARDING THE TYPE OF COVERAGE THAT CONSTITUTES CREDITABLE COVERAGE; TO PROVIDE SPECIAL ENROLLMENT PERIODS WITHOUT PENALTY FOR PERSONS ENROLLED UNDER A GROUP PLAN WHOSE COVERAGE IS TERMINATED WHEN AN INSURER DISCONTINUES WRITING A CERTAIN TYPE OF GROUP HEALTH INSURANCE COVERAGE THROUGHOUT THAT ENTIRE SMALL OR LARGE GROUP MARKET; AND TO PROVIDE CONTINUED GUARANTEED ISSUE RIGHTS TO A PERSON WHO IS HIPAA ELIGIBLE, WHO IS INSURED IN THE INDIVIDUAL MARKET, AND WHOSE INSURER DISCONTINUES WRITING A CERTAIN TYPE OF HEALTH INSURANCE COVERAGE THROUGHOUT THE ENTIRE INDIVIDUAL MARKET, 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 35197, which changes the title to read **S.B. 626** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; TO PROVIDE SPECIAL ENROLLMENT PERIODS WITHOUT PENALTY FOR PERSONS ENROLLED UNDER A GROUP PLAN WHOSE COVERAGE IS TERMINATED WHEN AN INSURER DISCONTINUES WRITING A CERTAIN TYPE OF GROUP HEALTH INSURANCE COVERAGE THROUGHOUT THAT ENTIRE SMALL OR LARGE GROUP MARKET; AND TO PROVIDE CONTINUED GUARANTEED ISSUE RIGHTS TO A PERSON WHO IS HIPAA ELIGIBLE, WHO IS INSURED IN THE INDIVIDUAL MARKET, AND WHOSE INSURER DISCONTINUES WRITING A CERTAIN TYPE OF HEALTH INSURANCE COVERAGE THROUGHOUT THE ENTIRE INDIVIDUAL MARKET, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 482, A BILL TO BE ENTITLED AN ACT TO EXEMPT LARGE INDOOR ARENAS WITH SEATING CAPACITIES GREATER THAN TWENTY-THREE THOUSAND FROM SMOKING REGULATIONS PROVIDED FOR IN ARTICLE 64 OF CHAPTER 143 OF THE GENERAL STATUTES.

The bill passes its second (39-8) and third readings and is ordered sent to the House of Representatives.

S.B. 682 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO PUBLIC HEATH AUTHORITIES THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES.

The Committee Substitute bill passes its second reading (45-2).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, April 6, upon third reading.

S.B. 472, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS, as amended on second reading.

Senator Thomas offers Amendment No. 2 which is adopted (47-0), and changes the title to read **S.B. 472**, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL

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SEX ACTS, AND TO REQUIRE PERSONS CONVICTED OF THIS OFFENSE TO REGISTER AS SEX OFFENDERS.

The bill, as amended, passes its second and third readings (47-0) and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 507, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN OFFENSE COMMITTED AGAINST OR THAT PROXIMATELY CAUSES SERIOUS INJURY TO A SOCIAL WORKER IS AN AGGRAVATING FACTOR, with a favorable report.

S.B. 461, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55205, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1166, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, AND SILVER STAR, AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, referred to the **Rules and Operations of the Senate Committee** on April 4.

Pursuant to Rule 47 (a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

CALENDAR *(continued)*

S.J.R. 1166, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, AND SILVER STAR, AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, placed earlier on today's Calendar.

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The joint resolution passes its second reading (48-0) and third reading, and is ordered sent to the House of Representatives by special message.

INTRODUCTION OF BILLS AND RESOLUTIONS

Upon motion of Senator Rand, the rules are suspended and a resolution filed for introduction today is presented to the Senate, read the first time, and disposed of, as follows:

S.J.R. 1167, A JOINT RESOLUTION HONORING NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, OR SILVER STAR, THE NATION'S HIGHEST AWARDS FOR VALOR AND HONORING THE MEMORY OF THE MEN AND WOMEN WHO LOST THEIR LIVES WHILE SERVING IN THE MILITARY.

The joint resolution is placed on the Calendar for tomorrow, April 6.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Emily Bean, Rutherfordton; Sarah Brown, Wake Forest; Marcus Brown, Raleigh; Dericka Tot Burleson, Marion; Katlin Christian, West End; Kelli Gurley, Goldsboro; Cassidy Hamrick, Rutherfordton; Garland Richard Homes III, Wilson; Christopher Lane Hoover, Richlands; Selby Alvin Lo, Cary; Terron McDougald, Fayetteville; Elizabeth Pace Riddick, Ahoskie; and Darius O. Smith, Raleigh.

Upon motion of Senator Dannelly, seconded by Senator Kinnaird, the Senate adjourns in memory of former Senator Robert Davis, subject to receipt of messages from the House of Representatives and committee reports, to meet tomorrow, Wednesday, April 6, at 3:15 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
April 5, 2005

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 April 5, 2005, Edward Walter Jones has been administered the oath of office as a Member of the House of Representatives for the remainder of the 2005 General Assembly. Representative Jones has been seated to fill the vacancy created by the death of The Honorable John D. Hall from the Seventh House District.

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Representative Jones has been appointed to the following committees:

Alcoholic Beverage Control
Appropriations
Appropriations Subcommittee on Justice and Public Safety
Health
Insurance, Vice Chair
Judiciary II

Respectfully,
Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 9, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE.

Referred to the **Finance Committee**.

H.B. 97 (Committee Substitute), 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 **Judiciary II Committee**.

H.B. 231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER TO CLARIFY THAT THE CONTROLLER MAY CONDUCT COMPLIANCE REVIEWS OF STATE AGENCIES AND TO EXEMPT THE WORKING PAPERS FROM THOSE REVIEWS FROM THE PUBLIC RECORDS LAWS.

Referred to the **State & Local Government Committee**.

H.B. 404, A BILL TO BE ENTITLED AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT.

Referred to the **Education/Higher Education Committee**.

H.B. 422, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RESIDENTS OF FORSYTH COUNTY TO FISH IN THE WATERS OF TRIAD PARK WITHOUT A FISHING LICENSE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 446, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF ROANOKE RAPIDS, TO ADD CERTAIN DESCRIBED TERRITORY TO THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE CITY OF ROANOKE RAPIDS, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WELDON.

Referred to the **Finance Committee**.

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H.B. 476, A BILL TO BE ENTITLED AN ACT RELATING TO THE BOUNDARY SETTLEMENT BETWEEN WILSON AND GREENE COUNTIES AND PERTAINING TO CERTAIN REAL PROPERTY RECORDS IN THOSE COUNTIES.

Referred to the **Finance Committee**.

H.B. 496 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES PERMITTING STUDENTS WITH ASTHMA OR STUDENTS SUBJECT TO ANAPHYLACTIC REACTIONS, OR BOTH, TO POSSESS AND SELF-ADMINISTER ASTHMA MEDICATION, AND TO RECODIFY CERTAIN STATUTES TO CREATE A NEW ARTICLE 26A IN CHAPTER 115C OF THE GENERAL STATUTES.

Referred to the **Health Care Committee**.

H.B. 498, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE.

Referred to the **Finance Committee**.

H.B. 576 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS.

Referred to the **Commerce Committee**.

H.B. 583, A BILL TO BE ENTITLED AN ACT DESIGNATING THE COMMUNITY COLLEGE SYSTEM AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE.

Referred to the **Education/Higher Education Committee**.

H.B. 631 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY.

Referred to the **Finance Committee**.

H.B. 743, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EAST SPENCER.

Referred to the **Finance Committee**.

H.B. 825 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE TOWN OF KENANSVILLE ALCOHOLIC BEVERAGE CONTROL BOARD.

Referred to the **State & Local Government Committee**.

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H.B. 828, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE.

Referred to the **Finance Committee**.

H.B. 859, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING THE CONTINUING EDUCATION OF MORTGAGE BROKERS BY ESTABLISHING REQUIREMENTS FOR LIVE BROADCASTS OF CONTINUING EDUCATION COURSES.

Referred to the **Commerce Committee**.

H.J.R. 1103, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANK EDWIN RHODES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to the **Rules and Operations of the Senate 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 Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1126, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE WILDLIFE RESOURCES 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 85231, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:43 P.M.

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FORTY-FIRST DAY

Senate Chamber
Wednesday, April 6, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, the Senate will consider some complex, divisive legislation in the days ahead.

"When we face difficult decisions and adversities, recall to us your words, 'My grace is all you need for my power is strongest when you are vulnerable.'

"Remind us that, 'A lost cause is one we give up on before we enter the struggle.'

"So be present to us in all our struggles. In your Holy Name we pray, Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, April 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Patricia V. Lowery from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Tim Barlow from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1166, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, AND SILVER STAR, AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY. (Res. 20)

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. 1166.

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 the Lieutenant Governor, Beverly E. Perdue, President of the Senate.

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RECOGNITION OF VETERANS

With unanimous consent, upon motion of Senator Rand, the privileges of the floor are extended to Corporal Rodolfo P. Hernandez (Fayetteville), recipient of the Medal of Honor. Senator Basnight and Speaker Black are appointed to escort him to the Well of the Senate. Privileges of the floor are also extended to recipients of the Distinguished Service Cross: John E. Gray (Mt. Ulla, Rowan County), Max D. Speers (Fayetteville), Morris G. Worley (Chapel Hill) and Master Sergeant John B. Silva (Fayetteville). Privileges of the floor are also extended to recipients of the Silver Star: John T. Bode (Raleigh), Preston Garris (Wayne County), Oscar Moore (Greenville), Thomas Craigg (Fayetteville), Frank Foronda (Whiteville), Jack Clark (Aulander), Colonel Richard Ripley (Garner), Larry Coleman (Dunn), Berry Lewis (Apex), Charles Meek (Southern Pines), Stan Pickett (Raleigh) and Tom Garrison (Stanly County). They are escorted to the Well of the Senate by Cecil Goins, Senate Sergeant-At-Arms, and Bob Samuels, House Sergeant-At-Arms.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.J.R. 1167, A JOINT RESOLUTION HONORING NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, OR SILVER STAR, THE NATION'S HIGHEST AWARDS FOR VALOR AND HONORING THE MEMORY OF THE MEN AND WOMEN WHO LOST THEIR LIVES WHILE SERVING IN THE MILITARY.

Upon motion of Senator Rand, the joint resolution is read in its entirety, and upon motion of Senator Soles, the remarks of the members are spread upon the Journal, as follows:

Senator Rand:

"Thank you very much, Madame President, and ladies and gentlemen of the House and Senate and all of our guests here today. It's really impossible to verbalize the way you feel at a time like this, to recognize the sacrifices that have been made for us and the things that have been done to protect freedom and keep this Country what it is and so as we are here today what I would like, Madame President, the first thing is read the citation where Mr. Hernandez won the Congressional Medal. I think that would say more and just to put it in all in context, I would like to ask that our reading clerk read this at this time."

Reading Clerk:

"Corporal Rudolfo P. Hernandez was a member of the Company G 187th Airborne Regimental Combat Team in action near Wontong-ni Korea, 31 May 1951. Corporal Hernandez, a member of Company G, distinguished himself by conspicuous gallantry above and beyond the call of duty and action against the

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enemy. His platoon in defensive positions on Hill 420 came under ruthless attack by a numerically superior and fanatical hostile force, accompanied by heavy artillery, mortar and machine gun fire, which inflicted murderous casualties on the Platoon. His comrades were forced to withdraw due to lack of ammunition, but Corporal Hernandez, although wounded in an exchange of grenades, continued to deliver deadly fire into the ranks of the on-rushing assailants until a ruptured cartridge rendered his rifle inoperative. Immediately leaving his position, Corporal Hernandez rushed the enemy armed only with a rifle with bayonet. Fearlessly engaging the foe, he killed six of the enemy before falling unconscious from grenade, bayonet, and bullet wounds, but his heroic action momentarily halted the enemy advance and enabled his unit to counterattack and to retake the lost ground. His fighting spirit, outstanding courage, and tenacious devotion to duty clearly demonstrated by Corporal Hernandez reflect the highest credit upon himself, the infantry, and the U.S. Army.”

Senator Rand:

“Madame President, that’s why it’s really impossible to say what you feel at a time like this or to really understand the depths of all our feelings. I read a little more on Corporal Hernandez. He was discovered the next day by troops and was initially pronounced dead. They found him later and he began to move a little and discovered that he was, in fact, alive and he spent a significant amount of time, of course, in military hospitals, both abroad and in the United States where he regained the use of his limbs and the greatest thing about it is that after he was rehabilitated, after he came back home and twelve years later after he came back from Korea he became a counselor to wounded veterans of Korea and Vietnam at the Veterans Administration helping others who had been through some of the same things, had been wounded, also, to help them learn that they could lead a productive life and to recover from their wounds. I think he represents all these gentlemen here today who have done so much, whose conspicuous gallantry says a great deal about the American spirit and about our feeling for this Country and how we call upon common people to do uncommon things in the defense of liberty and to defend us all that are here at home. So I would just like to thank them all for what they have done for us, thank them for their service to their Country and say that we are deeply indebted to them and we greatly appreciate everything that they and all these other gentlemen and the people they represent by their presence here today, that we so very much appreciate all they have done for us and we are delighted to have them here today to recognize their contribution and what they have done for their Country.”

Senator Basnight:

“Thank you, Madame President, members of the Senate and the House and very special people in the gallery and most especially to those of you who gave my family and me and all North Carolinians and Americans and people around the free world an opportunity to participate in our likes. This past weekend I was fortunate enough to go to a basketball game in St. Louis. At that game and

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in that place I saw people have fun and celebrate and enjoy an occasion that was so festive of freedom, chance, opportunity, and share in some respect of the success of America. You gave me that opportunity and my children and my family. From the very first day that George Washington, General Washington who never wanted to be known as President - he wanted to be known as General Washington because he believed his greatest contribution to his Country and the cause of freedom and of liberty came through the sacrifices of the soldier, not through the Government, not through the laws, not through the Constitution that was written. All those particles of a Government that make freedom ring so loudly were important. But the most important of all is you, the soldier, from when he crafted the smallest of materials, purple in color, to give that first soldier the Purple Heart, to the Congressional Medal of Honor. What distinguishes you differently from me and so many others around this world is that you gave us that liberty, you gave us that freedom and that opportunity to be successful as human beings. God bless each and everyone just like you all across this great land of ours. You gave me chance and opportunity. Thank You.”

Senator East:

“Madame President, I just wanted to add my blessings to this resolution and thank these gentlemen for what they’ve done for our Country and at the appropriate time I would like to call the name of three Silver Star recipients from Mount Airy. They are in ill health and could not be here today: Mr. Melvin Strickland, 126 Vanilla Lane in Mount Airy, is a Silver Star recipient from World War II; Mr. Herman Ball, 1601 East Winsley Lane, Mount Airy, a Silver Star recipient from World War II; Mr. Floyd Darrh, 311 Pender Street in Mount Airy, a Silver Star recipient from the Vietnam War, and regrettably Mr. Darrh died last year. Thank you very much.”

Lieutenant Governor Perdue:

“As the Senate votes on this resolution, I’d like to invite all of you for a second just to kind of close your eyes and think what it was like for these men and think about the men and women serving today in Afghanistan and Iraq, ordinary people across North Carolina, homes left, little towns, big cities, rich and poor, black and white, all kinds of creeds and races to fight for America. North Carolina continues to have more military deployed in this effort than any other state in America and so for these veterans we honor today, we thank you and we celebrate you, but we equally celebrate those who are in harms way as we speak today.”

The joint resolution passes its second reading (50-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

The President of the Senate recognizes each veteran seated on the floor and others in the gallery and expresses appreciation to them for their service to our Country.

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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 guests are escorted from the Chamber by the Sergeants-At-Arms and depart to a standing ovation.

CALENDAR (*continued*)

S.B. 644, A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER THE STATE PERSONNEL ACT.

Upon motion of Senator Hoyle, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 13.

S.B. 709 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE SECRETARY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND THE SECRETARY OF THE STATE DEPARTMENT OF CORRECTION TO SET THE SALARY SUPPLEMENT FOR CERTAIN PERSONNEL WORKING AT PROGRAMS OPERATED BY THEIR DEPARTMENTS.

Upon motion of Senator Swindell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 12.

The Senate recesses at 4:26 P.M. subject to receipt of committee reports, to reconvene at 4:40 P.M.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 290, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION 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 65297, is adopted and engrossed.

S.B. 707, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE THIRTY-DAY DEADLINES IMPOSED UPON AGENTS AND BAIL BONDSMEN SEEKING INTERNAL ADMINISTRATIVE REVIEW OF A DENIAL OF LICENSURE AND SUBSEQUENTLY SEEKING A HEARING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL STATUTES ARE MANDATORY, NOT DISCRETIONARY, 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 15222, which changes the title to read **S.B. 707** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE THIRTY-DAY DEADLINES IMPOSED UPON AGENTS AND BAIL BONDSMEN SEEKING INTERNAL ADMINISTRATIVE REVIEW OF A DENIAL OF LICENSURE AND SUBSEQUENTLY SEEKING A HEARING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL STATUTES ARE MANDATORY, NOT OPTIONAL, is adopted and engrossed.

By Senator Garwood for the **Education/Higher Education Committee**:

S.B. 570, A BILL TO BE ENTITLED AN ACT TO EXTEND THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Pensions & Retirement and Aging Committee**.

By Senator Soles for the **Commerce Committee**:

S.B. 178, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO LICENSURE REQUIREMENTS FOR PLUMBING AND HEATING CONTRACTORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65296, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 1126, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE WILDLIFE RESOURCES 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 65298, is adopted and engrossed.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

S.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING COUNTIES TO MAKE CHANGES IN SERVICE DISTRICTS CREATED PURSUANT TO ARTICLE 16 OF CHAPTER 153A OF THE GENERAL STATUTES, upon second reading.

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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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, April 7, upon third reading.

S.B. 461 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 12.

WITHDRAWAL FROM COMMITTEE

S.J.R. 161, A JOINT RESOLUTION HONORING THE LIFE AND INFLUENCE OF NORTH CAROLINA MUSICIAN AND SINGER CHARLIE POOLE, referred to the **Rules and Operations of the Senate Committee** on February 16.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, April 7, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for tomorrow, Thursday, April 7.

ELECTION OF MEMBERS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Pursuant to **S.R. 220** (Committee Substitute), A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and pursuant to the report received from the Education/Higher Education Committee on March 30, with the slate of candidates to be submitted to the Senate, the President recognizes Senator Lucas, Co-Chair of the Education/Higher Education Committee, to explain the voting procedures. She advises the members that four of the people whose names appear on the ballot have withdrawn: Michael Brader-Araje, Luther H. Hodges, Jr., Robert P. Kennel, and John Spotswood Russell.

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Senator Lucas announces that Senator Forrester, Senator Dorsett, Senator Garwood, and Senator Swindell will serve as assistants to distribute, collect, and canvass the ballots. Senator Apodaca will serve to over-see the vote canvass. The ballots are distributed and the Senators proceed to vote by marking and signing their ballots.

The Senate recesses at 4:25 P.M. to allow the appointed members to canvass the ballots for the UNC Board of Governors.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

ANNOUNCEMENT OF MEMBERS ELECTED TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Pursuant to **S.R. 220** (Committee Substitute), A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and with 29 ballots having been properly completed, according to the procedures, Senator Lucas, Co-Chair of the Education/Higher Education Committee, announces the results of the election of members to the Board of Governors of the University of North Carolina, as follows:

Peaches Gunter Blank
Phillip R. Dixon
Ray S. Farris
Hannah Dawson Gage
Dr. Willie Gilchrist
Jim Phillips
William G. Smith
J. Bradley Wilson

The President declares Peaches Gunter Blank, Phillip R. Dixon, Ray S. Farris, Hannah Dawson Gage, Dr. Willie Gilchrist, Jim Phillips, William G. Smith, and J. Bradley Wilson duly elected to the Board of Governors of The University of North Carolina, and she further orders a special message sent to the House of Representatives informing that Honorable Body of such action. The President directs Senator Lucas, Co-Chair of the Education/Higher Education Committee, to notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate.

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CALENDAR *(continued)*

S.B. 507, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN OFFENSE COMMITTED AGAINST OR THAT PROXIMATELY CAUSES SERIOUS INJURY TO A SOCIAL WORKER IS AN AGGRAVATING FACTOR.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 577, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN UNAUTHORIZED INSURER SHALL NOT OPERATE IN THIS STATE IN ITS OWN NAME OR UNDER A "DOING BUSINESS AS" DESIGNATION AS A THIRD PARTY ADMINISTRATOR.

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 Malone.

S.B. 626 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; TO PROVIDE SPECIAL ENROLLMENT PERIODS WITHOUT PENALTY FOR PERSONS ENROLLED UNDER A GROUP PLAN WHOSE COVERAGE IS TERMINATED WHEN AN INSURER DISCONTINUES WRITING A CERTAIN TYPE OF GROUP HEALTH INSURANCE COVERAGE THROUGHOUT THAT ENTIRE SMALL OR LARGE GROUP MARKET; AND TO PROVIDE CONTINUED GUARANTEED ISSUE RIGHTS TO A PERSON WHO IS HIPAA ELIGIBLE, WHO IS INSURED IN THE INDIVIDUAL MARKET, AND WHOSE INSURER DISCONTINUES WRITING A CERTAIN TYPE OF HEALTH INSURANCE COVERAGE THROUGHOUT THE ENTIRE INDIVIDUAL MARKET.

The Committee Substitute bill passes its second reading (45-1).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, April 7, upon third reading.

S.B. 682 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO PUBLIC HEALTH AUTHORITIES THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES.

The Committee Substitute bill passes its third reading (45-1) and is ordered sent to the House of Representatives.

ADDITIONAL SPONSOR

Senator Garwood requests to be added as a sponsor of previously introduced legislation:

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S.B. 972, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF WORSHIP.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns in honor of The University of North Carolina Tar Heels Men's Basketball Team, at 6:10 P.M. to meet tomorrow, Thursday, April 7, at 11:00 A.M.

FORTY-SECOND DAY

Senate Chamber
Thursday, April 7, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father, each day presents a series of choices between the bad and the good or the good and the better or the better and the best. Everything depends on which way we choose. Sometimes our self-will allows the alternatives to get in the way of each other. So when the choosing is difficult, help us to make the greatest choice that is to let you choose for us. Holy Scripture says, 'Choose this day whom you will serve.' Let us reply. Speak Lord, your servants are listening. Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, April 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 Pro Tempore of the Senate extends privileges of the floor to Dr. Charles H. Mann from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Jeanne Kemppainen from Wilmington, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 179, AN ACT AUTHORIZING THE CITY OF LAURINBURG TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

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REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

S.B. 711, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO ACCEPT, IN ADDITION TO EXAMINATIONS CONDUCTED BY THE BOARD, THE RESULTS OF OTHER BOARD-APPROVED REGIONAL OR NATIONAL INDEPENDENT THIRD-PARTY CLINICAL EXAMINATIONS OF APPLICANTS SEEKING A LICENSE TO PRACTICE DENTISTRY; AND AUTHORIZING THE BOARD TO ACQUIRE REAL PROPERTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55206, is adopted and engrossed.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING COUNTIES TO MAKE CHANGES IN SERVICE DISTRICTS CREATED PURSUANT TO ARTICLE 16 OF CHAPTER 153A OF THE GENERAL 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPLY THE FRANCHISE TAX TO CERTAIN LIMITED LIABILITY COMPANIES, upon second reading.

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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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, April 11, upon third reading.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed today for introduction, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1169, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NCAA CHAMPIONSHIP.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

CALENDAR *(continued)*

S.J.R. 161, A JOINT RESOLUTION HONORING THE LIFE AND INFLUENCE OF NORTH CAROLINA MUSICIAN AND SINGER CHARLIE POOLE.

Upon motion of Senator Berger of Rockingham, the joint resolution is read in its entirety, and upon motion of Senator Shaw, the remarks of the members are spread upon the Journal, as follows:

Senator Berger of Rockingham:

“Thank you, Mr. President, and members of the Senate and guests. As is indicated, you are all invited to the Tenth Annual Charlie Poole Music Festival in Eden May 20 and 21. At that time, the city of Eden will continue to recognize one of the founders of country music. Today, country music enjoys immense popularity around the world and across the nation. Its influence is felt just about any place you go. Bluegrass music has a distinctive sound and it's always recognized as being a part of the Southern United States and Appalachian area. The roots of both of those forms of music can be found in

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North Carolina and often times in the mill towns and in the rural areas of our State and that's the case with Charlie Poole. In the days before television, the days before computers, at the infancy of the record industry, and the infancy of radio, you could go to any small town in North Carolina at an auditorium or on someone's front porch or at a street corner and people would be playing music and often times it would be somebody with a fiddle and a banjo and a guitar and that's Charlie Poole and the North Carolina Ramblers. In the 1920's, they were a very popular group of musicians and had many recordings and spent a lot of time traveling the Southeast. Charlie Poole's individual life was a life of tragedy. He had a real problem with alcohol and there are lessons to be learned from his life in terms of some of the failures. Lessons can also be learned from his life and life of the other North Carolina Ramblers in terms of the success that they had in developing country music and bluegrass music. I wanted to read something to you from a biography, the introduction of a biography of Charlie Poole that gives you a little bit of background. I'll just read this: 'Among the thousands of musicians active in the 1920's and 1930's in what has been called the Golden Age of Country Music, a few select stand out as larger-than-life figures. One of these is the North Carolina singer, banjo picker, and bandleader, Charlie Poole. Into an all too brief playing life he packed a wealth of songs that have been enjoyed, reproduced and built upon by generations of later musicians. Many of the numbers Poole originated are popularized, such as '*Don't Let Your Deal Go Down*,' '*There'll Come a Time*,' '*If the River Was Whiskey*' and '*White House Blues*', have passed into the repertoires of country luminaries like Roy Acuff, Bill Monroe, Ralph Stanley, and they are staples of the Bluegrass songbook. Charlie Poole was not only a great country singer, but a pioneering country banjo player. His three finger picking style, and Senator Albertson you may know something about what the three finger style is, I'm not a musician, but his three finger picking style virtually unique in his own day, was also one of the formidable sounds in the development of bluegrass. Poole's North Carolina Ramblers have often been called the classic old-time string band and their intricate texture of fiddle, banjo, and guitar is one of the artistic high points of early country music. With such suburb musicians as the fiddlers, Posey Rorer, Lonnie Austin, and Odell Smith, and guitarists, Roy Harvey and Norman Woodlieff, the North Carolina Ramblers were one of the best loved and most eagerly followed of the old-time bands, both in person and on their magnificent recordings.' And that is from the introduction of the biography written by Kinney Rorer. There is the new CD that is coming out. I've had an opportunity to listen to an advanced copy of it. To listen to those songs, it takes you back to another time, not necessarily a better time, but certainly a simpler time, a time that we all would do well to go back and think about it at times. Part of that time is what makes us what we are today and I think it is important for us to look back. We all, as you know, stand on the shoulders of those who came before us and those stars of country music and bluegrass music today stand on the shoulders of people like Charlie Poole and the North Carolina Ramblers and I certainly appreciate the fact that the representatives of the Charlie Poole Music Festival and representatives of the recording industry are here today to see us pass this resolution and I would certainly appreciate your support. Thank you."

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Senator Albertson:

“Thank you, Mr. President, and members of the Senate. I never got a chance to see Charlie Poole but I certainly heard about him and I knew he was a great musician. I guess his name being Charlie he would have to be! You know, seriously, back at that time, back in the 1920’s and 1930’s, of course I was born in the early 1930’s, you can tell that. Back in that time music seemed to be much more special than it even is today. People had to work hard and most people lived on the farms so when they heard some good music either at the Grand Ole Opry or could pick up some music on the radio, that was about one of the best things you could expect back in that time. And back in that time, the instruments that people had to play on were nothing compared to what instruments are today, so somebody who could excel like he did with the kind of rather crude instruments, that’s again as compared to what we have, he was really good. He was what you called an entrepreneur in everyway, so I certainly appreciated his music and I remember one of his songs we used to do, one that you referred to in the resolution “*Don’t Let Your Deal Go Down.*” I played that many times on Saturday night and enjoyed every bit of it. So I appreciate Charlie Poole and I recommend this resolution to you.”

The joint resolution passes its second reading (50-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Berger of Rockingham the President extends the courtesies of the gallery to Hank Sapoznik, producer of "You Ain't Talkin' to Me" Charlie Poole and the Roots of Country Music; George Goehl, Straight Six Films producer of an upcoming documentary on the life of Charlie Poole; the Reverend Warwick Aiken of Eden; Mrs. Marianne Aiken, publicist of Charlie Poole Music Festival in Eden; The Honorable Philip Price, Mayor of the City of Eden; and Mrs. Louise Price, Director of the Charlie Poole Music Festival.

S.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO LICENSURE REQUIREMENTS FOR PLUMBING AND HEATING CONTRACTORS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 707 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE THIRTY-DAY DEADLINES IMPOSED UPON AGENTS AND BAIL BONDSMEN SEEKING INTERNAL ADMINISTRATIVE REVIEW OF A DENIAL OF LICENSURE AND SUBSEQUENTLY SEEKING A HEARING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL STATUTES ARE MANDATORY, NOT OPTIONAL.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 1126 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION.

The Committee Substitute bill No. 2 passes its second reading (43-7).

Senator Smith objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore* orders the measure placed on the Calendar for Monday, April 11, upon third reading.

S.B. 626 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; TO PROVIDE SPECIAL ENROLLMENT PERIODS WITHOUT PENALTY FOR PERSONS ENROLLED UNDER A GROUP PLAN WHOSE COVERAGE IS TERMINATED WHEN AN INSURER DISCONTINUES WRITING A CERTAIN TYPE OF GROUP HEALTH INSURANCE COVERAGE THROUGHOUT THAT ENTIRE SMALL OR LARGE GROUP MARKET; AND TO PROVIDE CONTINUED GUARANTEED ISSUE RIGHTS TO A PERSON WHO IS HIPAA ELIGIBLE, WHO IS INSURED IN THE INDIVIDUAL MARKET, AND WHOSE INSURER DISCONTINUES WRITING A CERTAIN TYPE OF HEALTH INSURANCE COVERAGE THROUGHOUT THE ENTIRE INDIVIDUAL MARKET.

The Committee Substitute bill passes its third reading (49-1) and is ordered sent to the House of Representatives.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Basnight, President *Pro Tempore*, announces the establishment of the **Select Committee on Employee Hospital and Medical Benefits** and appoints the following members: Senator Rand, Chair; Senator Clodfelter; Senator Dannelly; Senator Forrester; Senator Hagan and Senator Hoyle.

The following bills were previously introduced and referred to the **Select Committee on Teachers and State Employees Health Plan** and are now referred to the **Select Committee on Employees Hospital and Medical Benefits**:

S.B. 741, A BILL TO BE ENTITLED AN ACT TO ALLOW THE UNIVERSITY OF NORTH CAROLINA TO PROCEED WITH A HEALTH CARE INITIATIVE FOR ITS EMPLOYEES AND TO ESTABLISH A PILOT PROJECT OF THE STATE HEALTH PLAN TO IMPROVE EMPLOYEE CHOICE, INCREASE AFFORDABILITY OF DEPENDENT COVERAGE, AND INCREASE EMPHASIS ON WELLNESS AND DISEASE MANAGEMENT.

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S.B. 750, A BILL TO BE ENTITLED AN ACT TO CONFORM PRESCRIPTION DRUG COPAYMENTS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO THE MEDICARE MODERNIZATION ACT.

S.B. 751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN IN ORDER TO PROVIDE AFFORDABLE HEALTH BENEFIT OPTIONS TO COVERED EMPLOYEES.

S.B. 894, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES THAT WILL STRENGTHEN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

S.B. 1024, A BILL TO BE ENTITLED AN ACT TO EQUALIZE THE COVERAGE FOR WELL-BABY NURSERY CARE UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

ADDITIONAL SPONSOR

Senator Tillman requests to be added as a sponsor of previously introduced legislation:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Upon motion of Senator Dannelly, seconded by Senator Soles, the Senate adjourns subject to reading of messages from the House of Representatives and introduction of bills to meet Monday, April 11, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Brock; Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Rockingham, Berger of Franklin, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein:

S.J.R. 1168, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF COLONEL THOMAS FEREBEE AND ACKNOWLEDGING THE VETERANS OF WORLD WAR II ON THE SIXTIETH ANNIVERSARY OF THE END OF THAT WAR.

Referred to the **Rules and Operations of the Senate Committee**.

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE ABUSED.

Referred to the **Health Care Committee**.

H.B. 686, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE LAW ALLOWING SERVICE ANIMALS IN TRAINING TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS.

Referred to the **Health Care Committee**.

H.B. 706 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 772, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COMPUTER-ASSISTED REMOTE HUNTING.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 807 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FARMVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

Referred to the **State & Local Government Committee**.

H.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE LOTTERY TO SUPPORT SCHOOL CONSTRUCTION, TO FUND COLLEGE AND UNIVERSITY SCHOLARSHIPS, AND TO GENERATE FUNDS TO FURTHER THE GOAL OF PROVIDING ENHANCED EDUCATIONAL OPPORTUNITIES SO THAT ALL STUDENTS IN THE PUBLIC SCHOOLS CAN ACHIEVE THEIR FULL POTENTIAL, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE LOTTERY.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 12:17 P.M.

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FORTY-THIRD DAY

Senate Chamber
Monday, April 11, 2005

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 Lord and God, as we begin a new week in the Senate the volume of work is increasing and some thoughtful difficult decisions will have to be made in coming days. We know the Senators will be up to the task. Maybe there's nothing on earth more important for us to do during hurried days than to sit down every evening or morning and think over - try to figure out and come to terms with the events of each day, where they are taking us and where they are taking the people we care about. That kind of quiet reflection is, if nothing else, an effective way of beginning our personal prayers with you. So help each of us to take that kind of time this week for your sake and for our own. Tonight we also congratulate and celebrate Senator Brown and his wife on their marriage this past weekend. Amen."

The Chair grants leaves of absence for tonight to Senator Atwater, Senator Graham, Senator Jacumin, Senator Shaw and Senator Webster.

Senator Basnight, President Pro *Tempore*, announces that the Journal of Thursday, April 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Wayne H. Welsher from Fayetteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Baer from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 542, A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75283, is adopted and engrossed.

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S.B. 600, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR AN ENGINEERING, CONSULTING, OR CONTRACTING FIRM EMPLOYEE, SUPERVISOR, OR OFFICER TO FALSIFY A DEPARTMENT OF TRANSPORTATION REQUIRED HIGHWAY INSPECTION OR TEST REPORT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15224, which changes the title to read **S.B. 600** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO FALSIFY, OR DIRECT ANOTHER TO FALSIFY, A HIGHWAY CONSTRUCTION INSPECTION REPORT OR TEST REPORT REQUIRED BY THE DEPARTMENT OF TRANSPORTATION, is adopted and engrossed.

S.B. 897, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPIRATION OF THE TERMS OF THE CURRENT MEMBERS OF THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION AND TO RESTRUCTURE THE COMMISSION TO CONSIST OF ONE FULL-TIME MEMBER AND TWO HALF-TIME MEMBERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65299, which changes the title to read **S.B. 897** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TERMS OF THE MEMBERS OF THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION SERVING ON JUNE 30, 2005, SHALL EXPIRE ON THAT DATE; AND TO RESTRUCTURE THE COMMISSION TO CONSIST OF ONE FULL-TIME MEMBER AND TWO HALF-TIME MEMBERS, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 612 (Committee Substitute), 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, 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, 35198, which changes the title to read **S.B. 612** (Committee Substitute bill No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LEGISLATIVE LOBBYING ACTIVITIES AND BY REQUIRING REGISTRATION AND REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH AGENCIES AND EMPLOYEES, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, April 13.

April 11, 2005

CALENDAR

Bills and a resolution on tonight's Calendar are taken up and disposed of, as follows:

S.B. 540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPLY THE FRANCHISE TAX TO CERTAIN LIMITED LIABILITY COMPANIES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 711 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO ACCEPT, IN ADDITION TO EXAMINATIONS CONDUCTED BY THE BOARD, THE RESULTS OF OTHER BOARD-APPROVED REGIONAL OR NATIONAL INDEPENDENT THIRD-PARTY CLINICAL EXAMINATIONS OF APPLICANTS SEEKING A LICENSE TO PRACTICE DENTISTRY; AND AUTHORIZING THE BOARD TO ACQUIRE REAL PROPERTY.

The Committee Substitute bill passes its second 44-0 and third readings and is ordered sent to the House of Representatives.

S.B. 1126 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION.

Senator Albertson offers Amendment No. 1 which is adopted (40-4.)

The Committee Substitute bill No. 2, as amended, passes its third reading (39-5) and is ordered engrossed and sent to the House of Representatives.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 161, A JOINT RESOLUTION HONORING THE LIFE AND INFLUENCE OF NORTH CAROLINA MUSICIAN AND SINGER CHARLIE POOLE. (Res. 21)

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S.J.R. 1167, A JOINT RESOLUTION HONORING NORTH CAROLINA'S VETERANS WHO HAVE BEEN AWARDED THE MEDAL OF HONOR, DISTINGUISHED SERVICE CROSS, NAVY CROSS, AIR FORCE CROSS, OR SILVER STAR, THE NATION'S HIGHEST AWARDS FOR VALOR AND HONORING THE MEMORY OF THE MEN AND WOMEN WHO LOST THEIR LIVES WHILE SERVING IN THE MILITARY. (Res. 22)

S.J.R. 1169, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NCAA CHAMPIONSHIP. (Res. 23)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 179, AN ACT AUTHORIZING THE CITY OF LAURINBURG TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE. (Became law upon ratification, April 7, 2005 - S.L. 2005-6.)

H.B. 857, AN ACT TO EXTEND THE DATE WHEN THE STATE PROPERTY OFFICE MUST SUBMIT A MASTER PLAN FOR THE USE OF THE DOROTHEA DIX PROPERTY TO THE DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION. (Became law upon approval of the Governor, April 7, 2005 - S.L. 2005-7.)

INTRODUCTION OF BILLS AND RESOLUTIONS

Upon motion of Senator Rand, the rules are suspended and a bill filed for introduction today is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Rand; Allran, Basnight, Berger of Franklin, Boseman, Dalton, Dannelly, Forrester, Garwood, Hagan, Hartsell, Horton, Jenkins, Kerr, Kinnaird, Purcell, Snow, and Stevens.

S.J.R. 1170, A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2005 NCAA DIVISION I CHAMPIONSHIP.

The joint resolution is placed on the Calendar for Tuesday, April 12.

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WITHDRAWAL FROM COMMITTEE

S.B. 62, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT, referred to the **State & Local Government Committee** on February 7.

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 & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable Joe Sam Queen, former Senator from Haywood County.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week: Andrew Price Beeson, Advance; Christopher Ryan Boggs, Graham; Murphy Brian Fuller, Greensboro; Natalie Goodman, Faison; Yuri Stefon Hinton, Henderson; Shaday King, Raleigh; Cooper Ashley Padgett, Tobaccoville; Wade Robert Perry, Merry Hill; Amanda Nicole Protzman, Linden; Todd Christian Shackelford, Semora; Bria Sledge, Raleigh; John Stoller, Raleigh; Laurel L. Taylor, Windsor; John D. Walt, Greensboro; Seth Williford, Wilson; Michael D. Wilson, Greensboro; Christopher Aaron Wilson, Leasburg; and Michael A. Wilson, Leasburg.

Upon motion of Senator Basnight, seconded by Senator Brown, the Senate adjourns subject to reading of messages from the House of Representatives in honor of Senator Brown and his new wife, Lisa, to meet tomorrow, April 12, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 127 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT STATE EMPLOYEES BE GRANTED PAID LEAVE FOR ELECTION SERVICE IN VOTING SITES.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO FALSIFY, OR DIRECT ANOTHER TO FALSIFY, A HIGHWAY CONSTRUCTION INSPECTION REPORT OR TEST REPORT REQUIRED BY THE DEPARTMENT OF TRANSPORTATION.

Referred to the **Judiciary I Committee**.

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H.B. 752, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE UMSTEAD ACT THE SALE BY NORTH CAROLINA STATE UNIVERSITY OF PRODUCTS PRODUCED BY THE DAIRY AND PROCESS APPLICATION LABORATORY.

Referred to the **Commerce Committee**.

H.B. 804 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ORDER OF PAYMENT OF A CLAIM FOR EQUITABLE DISTRIBUTION UNDER THE LAWS RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES.

Referred to the **Judiciary II Committee**.

H.B. 821, A BILL TO BE ENTITLED AN ACT RELATING TO THE ADMISSIBILITY OF THE RESULTS OF SPEED-MEASURING INSTRUMENTS.

Referred to the **Judiciary II Committee**.

H.B. 862, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW PROHIBITING THE REMOVAL OF ELECTRONIC COLLARS FROM DOGS APPLY STATEWIDE.

Referred to the **Judiciary II Committee**.

H.J.R. 1113, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES ALLEN "JIM" GRAHAM, FORMER STATE COMMISSIONER OF AGRICULTURE.

The joint resolution is placed on the Calendar for Wednesday, April 13.

H.J.R. 1118 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JUNE ELIZABETH KAY CAMPBELL, FORMER CIVIL RIGHTS LEADER.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:40 P.M.

FORTY-FOURTH DAY

Senate Chamber
Tuesday, April 12, 2005

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 Turner, Pastor, First Baptist Church, Jacksonville, North Carolina as follows:

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"Lord God Almighty, you have made all the people of the earth for your glory, to serve you in freedom and in peace. Give them, the leaders of the great State of North Carolina, a zeal for justice and the strength of forbearance, that they may use our liberty in accordance with your gracious will. Through Jesus Christ our Lord, who lives and reigns with you and the Holy Spirit, one God, for ever and ever, Amen."

The Chair grants leaves of absence for today to Senator Atwater and Senator Webster.

Senator Dannelly, President *Pro Tempore*, announces that the Journal of Monday, April 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Brian M. Go from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Chris Connell from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1165, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE TOWN OF GARNER ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on March 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Thursday, April 14, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Thursday, April 14.

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Basnight, President *Pro Tempore*, who appoints Senator Kinnaird, Senator Soles, Senator Dannelly, and Senator Stevens as the Committee to escort the University of North Carolina at Chapel Hill Basketball Team, Coaches and Guests to the Joint Session. A message is ordered sent to the House of Representatives informing that Honorable Body of the escort committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

April 12, 2005

House of Representatives
April 12, 2005

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S.J.R. 1169**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NCAA CHAMPIONSHIP, the Speaker has appointed the following members of the House of Representatives to serve with a like committee of the Senate to escort the University of North Carolina at Chapel Hill Men's Basketball Team to the Joint Session:

Representative Hackney,
Representative Insko,
Representative Faison, and
Representative Morgan

Respectfully,
Denise G. Weeks
Principal Clerk

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. 1170.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
April 12, 2005

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S.J.R. 1169**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

April 12, 2005

MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NCAA CHAMPIONSHIP, the House stands ready to join your Honorable Body in Joint Session.

Respectfully,
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.

RECOGNITION OF UNC TAR HEELS MEN'S BASKETBALL TEAM

The President recognizes the Sergeant-At-Arms of the Senate, the Sergeant-At-Arms of the House and the Committee to escort the members of the University of North Carolina at Chapel Hill Men's Basketball Team, Coaches and guests into the Well of the Senate.

S.J.R. 1170, A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2005 NCAA DIVISION I CHAMPIONSHIP.

Upon motion of Senator Forrester, 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 Rand:

“Thank you, Madame President, and ladies and gentlemen of the Senate and the House. This is a special day for North Carolina as we celebrate the accomplishments of these young men and their coaches and managers and all those who do so much to bring so many people in North Carolina a great deal of pleasure. There are a few in North Carolina that they bring a great deal of pain for and for that we are everlastingly grateful! But, Madame President, we also salute their accomplishments for things other than athletics. I placed a copy of a letter from a gentleman in St. Louis on your desk. He is the owner of the restaurant where they had dinner last Thursday night before the games. He said, as a Georgetown alumnus, Chapel Hill had broken his heart in 1982 when they won the National Championship, but this team had converted him because they had dinner in his restaurant and he talks about how they had conducted themselves as perfect gentlemen and the way they had treated the staff and the way they had conducted themselves was very pleasing to him and they had made such an impression that he wrote a letter to a newspaper in North Carolina which I think is really a great tribute to these young men for the way that they

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conducted themselves and the honor they reflect upon us and themselves. I don't know if any of you had the opportunity to see it, but you know you talk about the sweet-sixteen, but Time magazine, before the tournament ever started, published the 'smart-sixteen' where they ranked the teams that were going into the tournament and they ranked them on their scholastic accomplishments. The finals were between Michigan State and North Carolina. It's amazing how that came pretty close, but I'm delighted to tell you that the outcome was the same. The winner of the 'smart-sixteen' was the University of North Carolina and, of course, that says volumes about winning, but winning the right way, doing it in a way that reflects honor upon your State, upon the institution and upon the young men that represent us so well. So when you reflect upon this year and you reflect upon the wonderful run up to this tournament, I think that we have so much to be proud of today, the accomplishments of this team, both scholastically and athletically, the way they represent us, the way they carry themselves and what it says about North Carolina. North Carolina is an old and grand State and the University its priceless gem, I believe the oldest State University in our Country. We have a lot to be proud of and so much of it sits before us here today. I would just like to offer them our thanks for a job well done and for reflecting so well upon themselves and upon all of us. Thank you, Madame President."

Senator Kinnaird:

"I want to offer a special congratulations and thanks from the hometown of these wonderful champions and on behalf of Representative Joe Hackney and Verla Insko, who also represent you. I want to tell you how thrilled we are as I say thanks and congratulations to our great coach who came back home and became even greater. To our wonderful coaching staff that helped to make us and the managers who pulled us all together and, of course, to our champions who not only deserve our thanks and our congratulations, but they not only did it, they did it right. Thank you."

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

Representative Hackney:

"I have the privilege of introducing someone who truly needs no introduction. His bio will reflect that he was born in Spruce Pine but that he grew up in Buncombe County and then he came to Chapel Hill where he obtained two degrees, that he came back and coached at Charles D. Owens Swannanoa High School for a while, that he came back to Chapel Hill to coach in 1978, that he went on to Kansas where he coached for fifteen seasons and then he came back to North Carolina, as we all know. Coach Williams, some would say that coaching and basketball is like the legislature. You have to work together as a team at all times. All the shots you take should be good shots and sometimes you just have to play good defense. I give you, Coach Roy Williams, the gentleman from Orange."

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Coach Roy Williams:

“Thank you very much. I do feel uncomfortable with my back to the distinguished lady and not uncomfortable, but just because it is not mannerly. It is a great thrill for us today to be here before the joint session, to be in front of such a distinguished group and such an enthusiastic group of people who feel good about what this team of youngsters in front of you did and I emphasize that word ‘team’ because they are a very gifted group of individuals and the only way that they are the 2005 National Champions is because they did work as a team. On the first day of practice this year, the thought for the day was ‘It’s amazing how much can be accomplished when no one cares who gets the credit.’ and the team went into the locker room and put that up on the blackboard and it stayed there the entire season and I think that epitomizes this group of youngsters that you have sitting in front of you. It was a thrill for all of us. It was something that our players will remember for the rest of their lives. Before the game, I talked to them about the 1957 North Carolina team and how last year at the reunion they came back forty-seven years afterwards and everybody still had great thoughts and great memories and that’s what they could accomplish and that’s what they did accomplish. It is something that we are extremely proud of what happened. During the game I will admit that I wanted to be first in the game, I did not know that we were first in the ‘sweet sixteen’ on the graduation rate, but that is something that is extremely important to us, but during the game I was more interested in how they played defense and whether we rebounded or made shots. Before you stands the seventeenth team that I have coached as a head coach. Before you sits not only the National Champions of 2005, but the toughest group of individuals that I have ever been around – a group that in the last three minutes of the championship game against Illinois held Illinois scoreless and did that several times down the stretch including – Mr. Rand may help me remember who it was in our last regular-season game that we held scoreless for three minutes at that time as well - but I do think that it is a team that we will always have in our memories, that we will always cherish. We appreciate the support that you give us. We feel great about being in the Atlantic Coast Conference, in a league of such tremendous teams and tremendous universities that we compete with and some of them very close. I will tell you on behalf of this entire team, we are thrilled to be here, we were thrilled last Monday night, and we are going to be thrilled for the rest of our lives for what these young men have accomplished. Thank you very much.”

Speaker Black, Senator Basnight, and the Lieutenant Governor present Coach Williams with a plaque commemorating the basketball championship and make the following remarks:

Speaker Black:

“On behalf of the North Carolina General Assembly, Senator Basnight and I would like to congratulate you, Coach Williams, and all of these fine young men that have brought this National Championship back to North Carolina, back home where it belongs. We thank you, Coach Williams, for coming back to Carolina and we do hope that all of these young men who don’t graduate will come back again next year so that we can do this again.”

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Senator Basnight:

“I cannot say enough on behalf of the North Carolina Senate and the people that we all represent across this beautiful State, that what it means to all of us, all 8.2 million people, to be able to claim a National Championship in basketball from a hometown favorite that drove you and drove you and you drove yourselves until you were victorious, and what it means to all people to be able to say that you are the leaders. It is not just North Carolina that wins this today, it is the country that you represent and all of its people. I am so proud of you as all people are. God bless and all come back and let’s do it one more time. I will quickly say, Coach Williams and team, that this is only the third time that we have ever done this in this Chamber and in this Body and never have we had an audience as large and as proud as it is today. Thank you.”

The Lieutenant Governor recognizes the Committee to escort the guests from the Chamber, who depart to a standing ovation.

Upon motion of Speaker Black, seconded by Senator Basnight, the Joint Session is dissolved at 4:04 P.M.

The Senate is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 709 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE SECRETARY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND THE SECRETARY OF THE STATE DEPARTMENT OF CORRECTION TO SET THE SALARY SUPPLEMENT FOR CERTAIN PERSONNEL WORKING AT PROGRAMS OPERATED BY THEIR DEPARTMENTS.

Upon motion of Senator Swindell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 19.

S.B. 542 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, April 13.

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S.B. 461 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, April 13.

S.B. 600 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO FALSIFY, OR DIRECT ANOTHER TO FALSIFY, A HIGHWAY CONSTRUCTION INSPECTION REPORT OR TEST REPORT REQUIRED BY THE DEPARTMENT OF TRANSPORTATION.

Upon motion of Senator Jenkins, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, April 13.

S.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TERMS OF THE MEMBERS OF THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION SERVING ON JUNE 30, 2005, SHALL EXPIRE ON THAT DATE; AND TO RESTRUCTURE THE COMMISSION TO CONSIST OF ONE FULL-TIME MEMBER AND TWO HALF-TIME MEMBERS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, April 13.

WITHDRAWAL FROM COMMITTEE

H.J.R. 1118 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JUNE ELIZABETH KAY CAMPBELL, FORMER CIVIL RIGHTS LEADER, referred to the **Rules and Operations of the Senate Committee** on April 11.

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 places on today's calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and placed it on today's calendar.

COMMITTEE APPOINTMENT

Senator Dannelly, Deputy President *Pro Tempore*, announces the establishment of the **Select Committee On The Lottery Bill**. The members are as follows:

Senator Rand, Chair; Senator Apodaca; Senator Berger of Franklin; Senator Berger of Rockingham; Senator Boseman; Senator Brown; Senator Clodfelter; Senator Dannelly; Senator Garwood; Senator Hartsell; Senator Hoyle; Senator Kerr; Senator Lucas; Senator Malone; Senator Nesbitt; Senator Soles; Senator Thomas; Senator Tillman and Senator Weinstein.

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CALENDAR (*continued*)

H.J.R. 1118 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JUNE ELIZABETH KAY CAMPBELL, FORMER CIVIL RIGHTS LEADER, placed earlier on today's Calendar.

Upon motion of Senator Malone, the joint resolution is read in its entirety and, upon motion of Senator Dalton, the remarks of the members are spread upon the Journal, as follows:

Senator Malone:

“Thank you, Madame President, and ladies and gentlemen of the Senate. This resolution, obviously, had its origin in the distinguished House of Representatives and I seek your concurrence in its passage. June Campbell was a grand lady of charm and dignity. From a public point of view, she was a rather quite lady but she had the strength and fortitude of a boulder. She was the glue that sustained and bonded a family ...publican in many ways. She bonded them as other members of the family went about carrying on their civic and public responsibilities. June Campbell believed in education to the extent that she pushed her own children to the very limit and, in so doing that, she was also leveling the field for other children who had to follow in their wake. Mrs. Campbell believed in the Pledge of Allegiance and she also believed strongly that when we say ‘liberty and justice for all’ she believed that those words meant precisely what they said. Therefore, they devoted a lot of their time and energy to bring those to realization. I recall that her pride could hardly be contained when her son was elected Mayor of the City of Atlanta and he played a very critical role in bringing the Olympics to that City. Equally proud was she when her son, Ralph, became the first African-American to be elected to a statewide office in the State of North Carolina. All the time her daughter, Mildred, and other son, Eddie, were key players in all these events. When Mrs. Campbell died not too many months ago, not only did her family mourn her death, but all of those of us in the community who had been associated with the Campbell family realized a great loss. They were exemplary in their courage and pride and willingness to pay the sacrifice. I urge your positive vote on the resolution honoring Mrs. June Campbell. What I would ask you, Madame President, is at the appropriate time if you will please recognize the members of her family who are here. Thank you very much.”

Senator Rand:

“Thank you, Madame President, and ladies and gentlemen of the Senate. It is hard really to overemphasize the role of a wife and mother and what a family accomplishes and I have always read about the things that went on around the table there at the Campbell home during the Civil Rights Movement and the contributions that were made to the good of us all by this family are truly amazing. The accomplishments of her children are wonderful and a great tribute to a mother who was a caring and gentle lady who meant so much to all of them. We are very fortunate to have had people like Mrs. Campbell in our capital city and in North Carolina and we will always remember the quite, gentle spirit that she had that took us all forward. Thank you.”

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Senator Dannelly:

“Thank you, Madame President. I’m really trying to remember when I met Ralph Campbell, Sr. and I can’t quite remember, during all those years during his activities to try to equal the playing field for those that were less fortunate than others. If Mrs. Campbell could walk into this chamber today, I would not know her. There is an old saying that, ‘Behind every good man, there’s a good woman.’ In this case, behind every good family, there’s a wonderful mother and wife. I’m so happy that I know her children. I urge you to support this resolution.”

Senator Basnight:

“Thank you, Madame President, and members of the Senate. We could go to any small town or large city in the State and find families like the Campbell family. Senator Nesbitt, they are in the mountains and in the hollows and where I live along the coast. You’ll find them around the inlets and along the shorelines and all in between there are these special families that kept together the brothers and the sisters, the mother and the father, as a part of what makes us successful and that we are one. It is in that community that she made the contribution and the contributions that are made in families just like hers all across this State are what allows us to hold the freedoms and furnish the opportunities to be successful in life. Ralph, to you, your brothers, your sister and all of our people, I say thank you to a lady I never met, but feel like I know.”

The joint resolution passes its second reading (47-0) and third reading with members standing, and is ordered enrolled.

The President extends courtesies of the gallery to June Campbell's sons, Ralph Campbell, Jr., and Eddie Campbell, and to her daughter, Mildred Campbell Christmas.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, April 13, at 3:30 P.M.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.J.R. 933, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CAROLYN AND DOROTHY MCNAIRY, FORMER EDUCATORS.

Referred to the **Rules and Operations of the Senate Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.J.R. 841, A JOINT RESOLUTION HONORING THE MEMORY OF THADDEUS LOVE ON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF WARSAW.

Referred to the **Rules and Operations of the Senate Committee**.

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H.J.R. 1178, A JOINT RESOLUTION HONORING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM ON WINNING THE 2005 NCAA DIVISION I CHAMPIONSHIP AND HONORING THE MEMORY OF FORMER TAR HEEL PLAYERS AND COACHES.

Referred to the **Rules and Operations of the Senate Committee**.

ADDITIONAL SPONSORS

Senator Garrou requests to be added as a sponsor of previously introduced legislation:

S.J.R. 1170, A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2005 NCAA DIVISION I CHAMPIONSHIP.

Senator Smith requests to be added as a sponsor of previously introduced legislation:

S.B. 984, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT.

REMOVAL OF BILL CO-SPONSOR

Senator Goodall requests that he be removed as a sponsor of previously introduced legislation:

S.B. 588, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN WHITE-COLLAR CRIMINAL OFFENSES.

S.B. 589, A BILL TO BE ENTITLED AN ACT PROVIDING THAT A BOARD OF COUNTY COMMISSIONERS MAY REQUIRE THE REGISTER OF DEEDS NOT TO ACCEPT DEEDS FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY.

S.B. 785, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW PROHIBITING THE REMOVAL OF ELECTRONIC COLLARS FROM DOGS APPLY STATEWIDE.

S.B. 901, A BILL TO BE ENTITLED AN ACT CREATING THE EQUINE INDUSTRY STUDY COMMISSION.

S.B. 918, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE THE RIGHT TO HUNT AND FISH IN NORTH CAROLINA.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:40 P.M.

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FORTY-FIFTH DAY

Senate Chamber
Wednesday, April 13, 2005

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:

"Oh God, last night at a church meeting, a few people broke up the flow of what had been a positive, productive time. Members of a church who own a parking lot were complaining about members from a neighboring church who take five or six of the landowning church's 150 parking places - every Sunday! I was reminded by their complaints that there are too many unhappy people in this world with little minds and too much time on their hands. They just don't get Grace. Help us not to be distracted by negative people, but live with appreciation for every minute that you give us as a gift! The man who will be honored today by the Senate, the late Jim Graham, a longtime member of my church, knew how to live with both thanksgiving and grace. Let us do likewise. Amen."

The Chair grants a leave of absence for today to Senator Webster.

Senator Basnight, President *Pro Tempore* announces that the Journal of yesterday, April 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 privileges of the floor to Dr. Erin J. Silvertooth from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Anne Logan from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

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. 1118, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JUNE ELIZABETH KAY CAMPBELL, FORMER CIVIL RIGHTS LEADER. (Res. 24)

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PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to Ambassador John Bruton, currently the European Union Ambassador to the United States.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 324, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT AND TO MAKE CONFORMING CHANGES TO THE OTHER ENTITY ACTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35205, is adopted and engrossed.

S.B. 468, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A MUNICIPAL CRIME LABORATORY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35195, which changes the title to read **S.B. 468** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A CRIME LABORATORY OPERATED BY A LOCAL GOVERNMENT, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is referred to the **Finance Committee**.

S.B. 492, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN BOTH CIVIL AND CRIMINAL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35206, is adopted and engrossed.

By Senator Swindell for the **Education/Higher Education Committee**:

S.B. 566, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM, with a favorable report.

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S.B. 988, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY TO GASTON COLLEGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75284, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee** and upon a favorable report re-referred to the **Appropriation/Base Budget Committee**.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 486, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75282, is adopted and engrossed.

Upon motion of Senator Hartsell, 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. 925, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE INFRASTRUCTURE THAT SUPPORTS OYSTER RESTORATION ACTIVITIES, TO PROTECT AND RESTORE WATER QUALITY AND HABITAT IN PRIME OYSTER GROWING AREAS, AND TO APPROPRIATE FUNDS TO HELP SUPPORT PROJECTS TO REHABILITATE OYSTER HABITATS AND SANCTUARIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35204, which changes the title to read **S.B. 925** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE INFRASTRUCTURE THAT SUPPORTS OYSTER RESTORATION ACTIVITIES AND TO APPROPRIATE FUNDS TO HELP SUPPORT PROJECTS TO REHABILITATE OYSTER HABITATS AND SANCTUARIES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Purcell for the **Health Care Committee**:

S.B. 216, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE COORDINATION OF SERVICES TO CHILDREN, YOUTH, AND FAMILIES BY CREATING CHILDREN'S SERVICES WORK GROUPS, BY ESTABLISHING AN INDEPENDENT STUDY COMMISSION TO MAKE RECOMMENDATIONS ON HOW TO ELIMINATE BARRIERS TO

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COLLABORATION BETWEEN AND AMONG CHILD-SERVING AGENCIES, AND TO MAKE AN APPROPRIATION AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 45, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' ADULT PROTECTIVE SERVICES TASK FORCE TO COLLABORATE WITH OTHERS INTERESTED IN IMPROVING ADULT PROTECTIVE SERVICES AND REPORT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with a favorable report.

H.B. 239, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL HEALTH DEPARTMENTS AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED, with a favorable report.

S.B. 119, A BILL TO BE ENTITLED AN ACT TO EXPAND MEDICAID ELIGIBILITY TO INDIVIDUALS WHO QUALIFY UNDER THE FEDERAL TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999, AS RECOMMENDED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35208, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1072, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO CHANGE THE DEFINITION OF "PRIMARY CARE HOSPITAL" TO CONFORM TO FEDERAL CHANGES; TO AUTHORIZE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUSPEND ADMISSIONS OR SERVICES IN HOSPITALS AS PART OF TAKING ADVERSE ACTION AGAINST A HOSPITAL'S LICENSE; AND TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ESTABLISH STAFF QUALIFICATIONS FOR HOSPITAL STAFF, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55212, which changes the title to read **S.B. 1072** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL CHANGES; TO AUTHORIZE THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUSPEND ADMISSIONS OR SERVICES IN HOSPITALS AS PART OF TAKING

ADVERSE ACTION AGAINST A HOSPITAL'S LICENSE; AND TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ESTABLISH STAFF QUALIFICATIONS FOR HOSPITAL STAFF, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

H.B. 446, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF ROANOKE RAPIDS, TO ADD CERTAIN DESCRIBED TERRITORY TO THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE CITY OF ROANOKE RAPIDS, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WELDON, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 644, A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER THE STATE PERSONNEL ACT.

Upon motion of Senator Hoyle, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 20.

S.B. 461 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 303, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR *(continued)*

S.B. 542 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 600 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO FALSIFY, OR DIRECT ANOTHER TO FALSIFY, A HIGHWAY CONSTRUCTION INSPECTION REPORT OR TEST REPORT REQUIRED BY THE DEPARTMENT OF TRANSPORTATION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 612 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LEGISLATIVE LOBBYING ACTIVITIES AND BY REQUIRING REGISTRATION AND REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH AGENCIES AND EMPLOYEES.

Senator Rand offers Amendment No. 1 which is adopted (49-0).

Senator Smith offers Amendment No. 2 which is adopted (49-0).

The Chair grants a leave of absence for the remainder of today's session to Senator Soles.

The Committee Substitute bill No. 2, as amended, passes its second reading (48-0).

Senator Berger of Rockingham objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, April 14, upon third reading.

S.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TERMS OF THE MEMBERS OF THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION SERVING ON JUNE 30, 2005, SHALL EXPIRE ON THAT DATE; AND TO RESTRUCTURE THE COMMISSION TO CONSIST OF ONE FULL-TIME MEMBER AND TWO HALF-TIME MEMBERS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

Upon the appearance of Senator Soles in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.J.R. 1113, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES ALLEN "JIM" GRAHAM, FORMER STATE COMMISSIONER OF AGRICULTURE.

Upon motion of Senator Rand the joint resolution is read in its entirety and, upon motion of Senator Soles, the remarks of the Senators, are spread upon the Journal, as follows:

Senator Rand:

“Thank you, Madame President, and ladies and gentlemen of the Senate. I was trying to think of how long I knew Jim Graham and I can’t remember a time when I didn’t know him. He became the Commissioner of Agriculture the year I graduated from Law School. Before that, he had run the Farmers Market and somehow my

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Dad and he were friends and I had known him. Of the people I have known in my life, he was truly an unforgettable character. When you think about that he was the Commissioner of Agriculture during a time when agriculture changed as much as it has in any period of time in our history, it's an amazing thing that he presided over and that he worked everyday, all-day as hard as he could to make sure that the people involved in the production of food and fiber were looked after and that the opportunities for them were as bright as they could be. I remember well when he had the funeral for the boll weevil. He had the casket and had the pallbearers. I don't remember who the pallbearers were but they buried the boll weevil and, of course, what that did, they worked to eradicate the boll weevil and what it did for North Carolina farm families is amazing because we have all seen cotton come back across North Carolina and it has added a very valuable crop. I had never heard of Pseudorabies but he and Senator Plyler used to talk about Pseudorabies. I didn't know whether you should be afraid a hog was going to bite you or what was going to bite you. I never could figure that out, but he worked to eradicate that, also. Of course, if you never heard Jim Graham do his bray like a donkey, if you never heard that or saw that, your life is not complete. It was one of the most amazing things that I ever saw. It was impossible to be with Jim Graham and not enjoy his company and not recognize what a great North Carolinian he was, how much he loved his State and, of course, how much he loved his job and what he meant to the rural people of North Carolina. There was a great bumper sticker they put out one time that said something like if you don't support farmers then don't talk with your mouth full. I always thought that was a great thing because we take the production of food - I think most people think food is grown by Harris Teeter or Winn Dixie or somebody - they don't understand that the men and women who are true entrepreneurs of our world who get up early and stay up late and depend on whether it rains or doesn't rain or all of that, they are out here making us the best-fed country in the history of the world. Jim Graham loved all of that, he was at home. His cowboy boots, I never saw such big boots. I wear a fairly large size shoe, but that was an amazing thing. He had his feet solidly on the ground. He was a great man, he was a great friend, he served this State and the people of it with the distinction and with humor and with enthusiasm for a long time. We are lucky to have had him with us and we are just delighted that he was a part of what North Carolina is because, if you think of it, he exemplifies the very best of what our State is, someone who grows up attached to the soil, who works hard all his life, who moves his State forward and is dedicated to the fact that North Carolina is the kind of place that it is. So I'm delighted that we can think about him today, honor him in this way and thank his family for the service that he gave to North Carolina and what he meant to all of us. Thank you."

Senator Albertson:

"Thank you, Madame President, and members of the Senate. I was listening to Senator Rand talk and I think he covered it pretty good. I was just thinking, what do you say about a person like Jim Graham? How do you describe this man? It's almost impossible, I think, to really grasp what he was and what he was all about. Tony alluded to it. Of course, he would always say no matter where he went how much he loved his job and, folks, he loved his job, now he really did. He loved the people of this State dearly. That was obvious to me and I think to all of you, as well. What a great human person he was and what great

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leadership he provided to the farm people of this State who dearly loved him in return. He, in fact, made North Carolina the third most diversified State in the Nation in Agriculture. It's still our number one industry. I told our new commissioner when he came to speak to our committee after we first assembled, 'There are two things that I think that you are going to find, Mr. Commissioner, when you go over to your Department to go to work.' He said 'What is that?' I said 'Well first of all, you are going to find that we cut your Department pretty much to the bone. The other thing is that you are going to find one of the best agriculture departments in the Nation.' And so it was and that was because of Jim Graham's leadership and his love for agriculture and this great State. The first time I ran for office he came down to Duplin County at one of my rallies and, of course, I had seen Jim Graham a few times and had heard so much about him and he got up on the podium and tried to rally folks to support me. I remember what he always said, 'Charlie, when that section starts and the roll is called up yonder, I want you to be there.' And you know how he could say it. But he and I had little things going sort of the last few years of his life and the last time I saw him, I think, was down in the cafeteria. We had this little thing going - he called it the mating call. You ought to remember him doing that. He would always do that and just laugh and break out and laugh. What a wonderful human being he was. Jim Graham, we loved you. Thank you for all you did for the people of this State and we will never, never forget you."

Senator Swindell:

"Madame President, I shall be brief, but just a quick bit of history. I remember well my father and Jim Graham were such dear friends and both of them wore, as Senator Basnight knows, a big Stetson hat all their life and daddy, who looked somewhat like Jim Graham, that used to be his free ticket to the State Fair when it was in town. When he would get to the gate they would say 'Come on in, Mr. Graham.' But my family went way back with Jim Graham and to Senator Basnight and I this means a little more. But I must say that when Stag Ballentine died as our Commissioner of Agriculture, it was a former member of this body who was President *Pro Tempore* of the Senate, Lunsford Crew, who nominated Jim Graham to be our Commissioner of Agriculture before the Democratic Executive Committee before he was appointed. We all in this room knew him as a dear friend of our State, a dear friend of North Carolina. He was faithful and just to me, not to steal words from Shakespeare, but I think everyone of us can say that. I thank you for allowing me to speak."

Senator Smith:

"Ladies and gentlemen of the Senate, I had the great pleasure of knowing Jim Graham. I was in the cattle business and had the great honor to be President of the North Carolina Cattlemen's Association in 1989. In that role, Jim Graham and I spent a lot of time together, time together in his office where we would talk about the affairs of the cattle business in North Carolina. Jim Graham came to my farm when it used to be a farm, before I lost all of the money that I had and all the money that the bank would let me have. But we traveled all across North Carolina and Senator

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Albertson was exactly right. I have never seen a public servant loved by the people of North Carolina the way Jim Graham was loved. When we would go from farm to farm, the respect that that man had I'll never see again. He clearly loved his job. I've never seen anyone love his job as much as Jim Graham loved being the Commissioner of Agriculture of this great State. He was a great public servant and he cared more about the average farmer, the farmer who had dirt on his hands, who was out tending the soil than anyone I have ever seen. He was a credit to this State, he was a credit to the Agriculture Department and I will always remember and have great respect for Jim Graham."

Senator Horton:

"Thank you, Madame President. As you all can tell from what has been said today, he wasn't exactly a shrinking violet. In fact, Jim Graham had one of the biggest personalities that you'll run into in this life. Just an incredible guy. Senator Rand mentioned his boots, Senator Swindell his ever-present gigantic hat. He knew North Carolina's people better than anybody I have ever run into. In fact, he could introduce himself or you introduce yourself to him and he'd not only remember you, but he would tell you who you were kin to and who your third cousin twice removed was. He was incredible. He just knew it and loved the people of this State and he never forgot to inquire about your kin, about how they were doing. He was just a warm, wonderful person. He loved his job as you've heard said so many times and that love was returned by the people of this State. We were served well by him and we won't see his like again. I wish we could, but everyone of us has been made better by the memory of knowing a fellow like Jim Graham."

Senator Brock:

"Thank you. I represent the area of Rowan County where he came from of Cleveland, but our families go way back. In fact, he used to run around with my uncle and if those were not two characters I don't know what were. One time when Jim was about fifteen or sixteen he came up to the farm where we had a creek dammed off for a swimming hole. He said we tried to drown him but in those Republican waters we were trying to baptize him. It didn't take so we let him up for some air. He would never fail to remind me of that every time I saw him. When I came down here, when I worked here as an intern, he said he would look out for me, that there are some tough characters down there in the Senate. He said he would look out for me and I would see him at the K&W. He was such a good family friend of ours. When I first met him I was six years old and it was 1980 during the campaign. He was a good close friend of our family. My father said 'Son come here I want to introduce you to somebody. This is the Commissioner of Agriculture, Jim Graham.' I was six years old and I kind of looked up and said 'Daddy come here, he is a Democrat.' He said 'Son he's okay, he's a good man, there are some good ones.' I looked at him with a little reservation and Jim said 'Son listen to your daddy, I'm a good man.' I said 'Well you may be the only Democrat I'll ever vote for.' Jim always had a good time with that. He did so much for all the farmers back home and all across the State. The

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farmer had no greater friend than Jim Graham. Like Senator Horton said, every time I would see him he would want to sit down and find out how everyone was doing back home. He was somebody I always looked forward to and loved to walk into his office up there in the Agriculture Building and look into the corner and see all those gold plated shovels lined up in the corner like a shed. He was just one of our own. Like I said, there was no greater public servant that we have had in this State than Jim Graham. I commend the resolution to you.”

Senator Basnight:

“Thank you, Madame President, and members of the Senate. Jim Graham had many cars that were State-owned through the years because he served so long. But one came new and it had an airbag in it and he was not accustomed to airbags and did not know anything about them and his driver, Peter, was going through an intersection and somebody hit the car and the airbag came out and released just at the right time that Jim was rolling a cigar in and out of his mouth getting it good and wet so it would heat right. The bag hit the cigar and sent it down his throat. It didn’t break it or bend it, just sent it all the way down. He had not lit the cigar at the time but he fully took all of that cigar. He described that to the mechanic and to the person that was trying to put that bag back into the dashboard. ‘Whatever you do young man, don’t put that balloon back together.’ He did have big boots and big hats and big belt buckles and suspenders. He loved NC State. He loved the School of Agriculture and Life Sciences. He loved the soil, the air, and his people. We went to Salisbury one night and it was raining and it was bad and he didn’t drive. No matter how you felt or how you wanted to share in that trip for someone to help out with the driving, he was not there to help. He kept telling me how to drive, though, as I worked my way through the bad weather. He wanted me to get down to a crawl on the Interstate. He just said you are too fast and you are too quick. You know you younger people don’t know how to get to where you need to get to safely. Well, we got there and I did the little speech and got a small applause and then he gave a speech and got a large applause. We left to have supper and went to a barbecue place that he chose and we ate and left and everyone in there knew him. Then we got into the car and he said we got to go down the road to George’s Barbecue place and we have got to eat again. You can’t come to Fred’s and eat at Fred’s and not eat at George’s and, sure enough, we ate at two barbecue places that night and went to the third one and got a sandwich to go. That was my night with Brother Graham. It was an incredible evening and I heard so much about our State and people and his love. He truly loved all the people of this State, Republicans and Democrats. He was a great, great man.”

The joint resolution passes its second reading (48-0) and third reading with members standing, and is ordered enrolled.

The President extends the courtesies of the gallery to Mr. Graham's daughters, Connie G. Brooks, Nashville, Tennessee; Representative Alice G. Underhill, New Bern; and Donna Creech, Garner, Commissioner Graham's long-time assistant.

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WITHDRAWAL FROM COMMITTEE

S.B. 206, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF SALEMBURG, referred to the **Rules and Operations of the Senate Committee** on February 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **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**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER LANDS ACQUIRED BY THE FEDERAL GOVERNMENT.

Referred to the **Judiciary I Committee**.

H.B. 451 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, AND TO MAKE OTHER CONFORMING CHANGES.

Referred to the **Judiciary II Committee**.

H.B. 702 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE.

Referred to the **Judiciary I Committee**.

H.B. 869, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS.

Referred to the **Health Care Committee**.

H.B. 888 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR COCKFIGHTING.

Referred to the **Judiciary I Committee**.

ADDITIONAL SPONSOR

Senator Atwater requests to be added as a sponsor of previously introduced legislation:

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S.B. 673, A BILL TO BE ENTITLED AN ACT TO PROVIDE LONG-TERM VOCATIONAL SUPPORT SERVICES TO PERSONS WITH MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns in memory of Jim Graham, former Commissioner of Agriculture, at 5:14 P.M. to meet tomorrow, April 14, at 10:00 A.M.

FORTY-SIXTH DAY

Senate Chamber
Thursday, April 14, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, we are grateful for the work that has been accomplished this week in the Senate. Always give us the perspective that the work we do is our love for you in action. Let those actions be wholehearted and a free service - a gift to you each day from our acknowledged place as the poorest of the poor. Amen."

The Chair grants a leave of absence for today to Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, April 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 privileges of the floor to Dr. J. Bruce Taylor from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Janelle Greenwood from Hillsborough, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Holloman for the **State & Local Government Committee**:

S.B. 773, A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15228, is adopted and engrossed.

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S.B. 835, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CREATION OF JET NOISE ZONES UNDER CITY AND COUNTY ZONING ORDINANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15227, which changes the title to read **S.B. 835** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CREATION OF JET NOISE ZONES UNDER CITY AND COUNTY ZONING ORDINANCES AND REQUIRING THE DISCLOSURE OF MILITARY AIRPORT NOISE AND EVALUATION OF THE NEED FOR ADDITIONAL NOISE ABATEMENT REQUIREMENTS, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 465 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SERVICE AND FILING REQUIREMENTS OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35207, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 592, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL REVISIONS TO THE LAW GOVERNING INDIGENT DEFENSE AND ENTITLEMENT TO COUNSEL, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Finance Committee**.

S.B. 666, A BILL TO BE ENTITLED AN ACT TO ALLOW ATTORNEYS' FEES TO BE AWARDED TO THE PREVAILING PARTY IN AN ACTION TO ENFORCE PROVISIONS OF THE ARTICLES OF INCORPORATION, DECLARATION, BYLAWS, OR RULES OF A PLANNED COMMUNITY CREATED PRIOR TO JANUARY 1, 1999, IF RECOVERY OF ATTORNEYS' FEES IS ALLOWED IN THE DECLARATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

Upon motion of Senator Hartsell, the bill is placed on the Calendar for Tuesday, April 19.

S.B. 667, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN SUBORDINATION AGREEMENTS AND TO CLARIFY THE LAW ON THE PRIORITY OF INSTRUMENTS REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

Upon motion of Senator Hartsell, the bill is placed on the Calendar for Tuesday, April 19.

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S.B. 689, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CLERK OF SUPERIOR COURT IS RESPONSIBLE FOR PROVIDING COPIES OF THE TRIAL FILE TO APPOINTED APPELLATE COUNSEL IN INDIGENT CASES, with a favorable report.

Upon motion of Senator Hartsell, the bill is placed on the Calendar for Tuesday, April 19.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 492 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN BOTH CIVIL AND CRIMINAL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY.

Upon motion of Senator Hagan, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, April 18.

S.J.R. 1165, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE TOWN OF GARNER ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Upon motion of Senator Stevens, the joint resolution is read in its entirety and, upon motion of Senator Dannelly, the remarks of the members are spread upon the Journal, as follows:

Senator Stevens:

“Thank you, Madame President, and members of the Senate. We have a lot of wonderful towns in North Carolina all the way from Senator Basnight’s area in the East, all the way down to Senator Snow’s area in the West. There are a lot of wonderful towns, but a special town is just a few minutes from here, the Town of Garner, and they are celebrating their one-hundredth anniversary and they have been for the last year and will culminate that this Saturday. If any of you are around, please come down. You can eat some of the best barbecue you have had. They have the twenty-first annual North Carolina Barbecue Cook-off happening in Garner this Saturday. There are records that go back as far as 1756 that show a church down in the Garner area, but the town really came into existence when it finally got a railroad stop on the North Carolina railroad in 1847. I mention that detail because it took a tie-vote break by the Speaker of the House in 1847 to get that railroad stop and it was known then as Garner Station. We don’t know exactly why it was called Garner. Senator Bingham, the postmaster was Thomas Bingham, same spelling, and he had a post office at a general store and the word Garner from Webster’s Dictionary means something like store, so it’s possible that it was Bingham’s Store. It’s also possible that someone named

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Garner had the town named for him, but we just don't know for sure but, whatever cause, it became a wonderful place to live. You're going to hear a lot about the Rands in a few minutes, I suspect. Anything I may tell you about the history I suspect Senator Rand will correct it if I get it wrong because he has a long and lengthy history and experience with the town from growing up there himself and his family. Senator Kerr, Highway 70 is an important part of Garner, as you know. It was one of the first paved roads in North Carolina, paved in 1916 to 1917. I think DOT started planning the Clayton bypass that year! It might get done in the next few months! Today, Garner is a town of over 18,000 people. A wonderful place to be. You go to their home site on their web page and you'll see Garner is a small town, has a small town atmosphere with an uptown access. For a lot of years Garner lived somewhat in the shadow of Raleigh. It was somewhat of a suburban town and people came to jobs in Raleigh, but lived there where they could have a nice place to be, know their neighbors, have a good church experience, grow a little bit of a garden product in their backyard and have a wonderful quality of life. That's still true in Garner today. There is a quote that says, 'Garner is where the solid bed-rock of family-oriented tradition and the progressive catalyst of new ideas and new technology meet and mingle.' If you run for anything in Wake County, you've got to go to Garner Firemen's Day Parade. If you haven't been in a float or car in that, you haven't run for office successfully in Wake County. It is an important day in that Town. I think that the term 'Family Values' may have been invented in Garner. It still is a wonderful place to live, but now growing, growing rapidly with new industry, new businesses and thanks to this General Assembly, some new highways are coming and it's a great place to live and work and raise a family to this day. It is not a tourist spot like you might think of on the coast, Senator Basnight, or the mountains, but it is a wonderful place to be and I commend this resolution to you. Senator Malone and I and the other members of the Wake Delegation are proud to present this resolution to you and hope you will adopt it."

Senator Malone:

"Madame President, thank you very much. Senator Stevens gave you a lot of firsts about the great little town of Garner. One thing I believe he omitted was the fact that the first business established in Garner was a cabinet and carpenter maker who happened to have been an African-American. So a good bit of history was made during the early establishment of this great Town and we certainly would not want to overlook that. The Town of Garner abuts the community almost in which I live and I wake up every morning fearful that they will have annexed me, but that would not be the worst thing that could happen to me if indeed they chose to do that. This is a grand old community, a very close knit community, a very patriotic community. We talked about the Pledge of Allegiance this morning and this community certainly represents that and I, along with Senator Stevens and the other members of the Wake County Delegation, would solicit your support in this regard."

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Senator Rand:

“Thank you, Madame President. Ladies and gentlemen of the Senate, my daddy was Mayor of Garner, my great, great, great...I believe his great grandfather's brother, John Rand, moved to Panther Branch where Swift Creek is. Around in the late 1750's, he established a mill there and he was killed in the Revolution and he left part of his land there, Swift Creek, to his brother, Walter, who had had the poor judgment to remain in Virginia when the other members of his family, his other two brothers, moved to North Carolina. Walter Rand came to Wake County, I think, around 1789 and my folks have lived there since that time. I noticed that the members, Mr. A. T. Rand, Mr. Hal Rand, I grew up in the house he built, and Mr. J. S. Buffalo was either my great uncle or great, great uncle. I'm remiss in my duties, I didn't talk to my momma before this thing got going good and I regret that. My momma is ninety-eight years old and would take full credit for this, I reckon. I know that I'm kin to the Bryans, the Buffaloes, the Pennys, and, of course, the Rands. I reckon I'm kin to everybody that was in Garner when I grew up because I remember when they paved the main street and I used to deliver the *News and Observer* and *The Raleigh Times* in Garner so I knew virtually everybody in the Town. I used to hop cars at the Toot-N-Tell-It and then I knew what everybody in Town was doing. But Garner is a wonderful place. It really takes you back thinking about it. I graduated from Garner High School in 1957. You know they said the Class of '57 had its dreams and we really did. Some of them came true. But this is a grand thing and I appreciate more than I know how to tell you good members of the General Assembly from Wake County for bringing this forward because this is a great day for Garner. It really is a neat deal and I would appreciate everybody's support on this resolution and you can all go out to Garner because they really will have some good barbecue, but I would invite you in February of every year when the Wake County Chitlin' Club has its end gathering at the Toot-N-Tell-It and if any of you feel particularly adventurous that might be a good time to come to Garner and we will tell tall tales and have a good time. Thank you.”

The joint resolution passes its second reading (49-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Stevens, the Chair extends the courtesies of the gallery to Mr. Buck Kennedy, Alderman, Town of Garner; Don Rohrbaugh, former Mayor of Garner; Mary Lou Todd, Town Manager of Garner; Norman Karr, Chairman of the Centennial Commission; Theresa Karr, Secretary of the Centennial Commission; Harold Garner, Member of the Centennial Commission; and Rodney Dickenson, Assistant Town Manager of Garner.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

April 14, 2005

H.J.R. 1113. A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES ALLEN "JIM" GRAHAM, FORMER STATE COMMISSIONER OF AGRICULTURE. (Res. 25)

CALENDAR (*continued*)

H.B. 446. A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF ROANOKE RAPIDS, TO ADD CERTAIN DESCRIBED TERRITORY TO THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE CITY OF ROANOKE RAPIDS, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WELDON, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—49.

Voting in the negative: None.

The bill remains on the Calendar for Monday, April 18, upon third reading.

S.B. 324 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT AND TO MAKE CONFORMING CHANGES TO THE OTHER ENTITY ACTS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 566. A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM.

The bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives.

S.B. 1072 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL CHANGES; TO AUTHORIZE THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUSPEND ADMISSIONS OR SERVICES IN HOSPITALS AS PART OF TAKING ADVERSE ACTION AGAINST A HOSPITAL'S LICENSE; AND TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ESTABLISH STAFF QUALIFICATIONS FOR HOSPITAL STAFF.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 45. A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' ADULT PROTECTIVE

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SERVICES TASK FORCE TO COLLABORATE WITH OTHERS INTERESTED IN IMPROVING ADULT PROTECTIVE SERVICES AND REPORT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 19.

H.B. 239, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL HEALTH DEPARTMENTS AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED.

The bill passes its second (48-1) and third readings and is ordered enrolled and sent to the Governor.

S.B. 612 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LEGISLATIVE LOBBYING ACTIVITIES AND BY REQUIRING REGISTRATION AND REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH AGENCIES AND EMPLOYEES, as amended on April 13.

Senator Horton offers Amendment No. 3 which fails of adoption (24-25).

Senator Berger of Rockingham offers Amendment No. 4 which fails of adoption (20-29).

The Committee Substitute bill No. 2, as amended on April 13, passes its third reading (49-0) and is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 335, A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

S.B. 337, A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

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COMMITTEE APPOINTMENT

Pursuant to Rule G.S. 120-149.6, Senator Basnight, President *Pro Tempore*, announces the following appointments to the **Joint Legislative Committee on New Licensing Boards**: Senator Hoyle, Co-Chair; Senator Bingham; Senator Hagan and Senator Malone.

REMOVAL OF BILL CO-SPONSOR

Senator Hunt requests that he be removed as a sponsor of previously introduced legislation:

S.B. 221. A BILL TO BE ENTITLED AN ACT PROHIBITING COMPUTER GAME PROGRAMS ON STATE GOVERNMENT COMPUTERS.

Upon motion of Senator Basnight, seconded by Senator Berger of Franklin, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Monday, April 18, at 7:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 125, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

H.B. 278, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WALKERTOWN.

Referred to the **Finance Committee**.

H.B. 350 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE.

Referred to the **Finance Committee**.

H.B. 351 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX FOR PASQUOTANK COUNTY AND ELIZABETH CITY.

Referred to the **Finance Committee**.

H.B. 370, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF LANDIS.

Referred to the **Finance Committee**.

H.B. 399 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS.

Referred to the **Finance Committee**.

April 14, 2005

H.B. 478, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF TOBACCOVILLE.

Referred to the **Finance Committee**.

H.B. 510 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY.

Referred to the **Judiciary I Committee**.

H.B. 540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HALIFAX COUNTY TOURISM AND DEVELOPMENT TAX AND TO IMPLEMENT A TOURISM AND DEVELOPMENT TAX FOR THE CITY OF ROANOKE RAPIDS.

Referred to the **Finance Committee**.

H.B. 544, A BILL TO BE ENTITLED AN ACT TO AMEND THE MADISON COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

H.B. 612, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF TROUTMAN TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 637 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE SECRETARY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND THE SECRETARY OF THE DEPARTMENT OF CORRECTION TO SET THE SALARY SUPPLEMENT FOR CERTAIN PERSONNEL WORKING AT PROGRAMS OPERATED BY THEIR DEPARTMENTS.

Referred to the **Education/Higher Education Committee** and upon a favorable report re-referred to **Appropriations/Base Budget**.

H.B. 699, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION.

Referred to the **State & Local Government Committee**.

H.B. 707, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES.

Referred to the **Health Care Committee**.

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H.B. 798, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REGULATING FOX HUNTING IN HARNETT COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 811, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON.

Referred to the **Judiciary I Committee**.

H.B. 826, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANSONVILLE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

Referred to the **State & Local Government Committee**.

H.B. 827, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO REGULATE GOLF CARTS.

Referred to the **State & Local Government Committee**.

H.B. 843 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

H.B. 921, A BILL TO BE ENTITLED AN ACT TO AMEND THE CURRITUCK COUNTY DEER HUNTING LAW TO PROVIDE FOR THE TAKING OF EITHER SEX DEER.

Referred to the **State & Local Government Committee**.

H.B. 1060 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL LAW.

Referred to the **Health Care Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:15 P.M.

April 14, 2005

FORTY-SEVENTH DAY

Senate Chamber
Monday, April 18, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father, forgive us when we are tempted to want to ease through life -- not at all sure we want to be chosen by you for any special assignments. Being chosen can be a severe mercy. The members of the Senate know that all too well. As they start this new week, though they have fought some battles already and have more ahead, let them begin with a fresh spirit and a fresh attitude. May each person embrace the unique gifts you have given them to do the work of the Senate and great things for you, O God. Amen."

The Chair grants leaves of absence for tonight to Senator Graham and Senator Hartsell.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, April 14, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Steven E. Landau from Kenly, 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 Clodfelter for the **Judiciary I Committee**:

S.B. 737, A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL RECORDS CHECKS FOR COUNTY GOVERNMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85233, which changes the title to read **S.B. 737** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL RECORD CHECKS FOR COUNTY GOVERNMENTS, is adopted and engrossed.

April 18, 2005

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 355 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE USE OF RED AND BLUE LIGHTS ON VEHICLES.

Referred to the **Judiciary II Committee**.

H.B. 393, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS.

Referred to the **Finance Committee**.

H.B. 449, A BILL TO BE ENTITLED AN ACT TO CONFORM THE VALUATION OF GIFTS FOR GIFT TAX PURPOSES TO THE FEDERAL STANDARDS.

Referred to the **Finance Committee**.

H.B. 532, A BILL TO BE ENTITLED AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED.

Referred to the **Judiciary I Committee**.

H.B. 705, A BILL TO BE ENTITLED AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS.

Referred to the **Finance Committee**.

H.B. 740, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED POSITIVE DRUG AND ALCOHOL TEST RESULT, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR OTHER PUBLIC TRANSIT VEHICLES UNTIL SUCCESSFUL COMPLETION OF TREATMENT.

Referred to the **Judiciary I Committee**.

H.B. 780 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCESS BY WHICH THE NEED-BASED SCHOLARSHIP LOAN FUND IS ADMINISTERED.

Referred to the **Health Care Committee**.

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H.B. 856 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY AND TO CHANGE THE TERMS FROM TWO TO THREE YEARS.

Referred to the **State & Local Government Committee**.

H.B. 871, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF EMERALD ISLE TO IMPOSE A CANAL DREDGING FEE.

Referred to the **Finance Committee**.

H.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO ALLOW THE CITY TO IMPOSE CERTAIN RESTRICTIONS ON PERSONS SOLICITING ON STATE HIGHWAYS AND STREETS.

Referred to the **State & Local Government Committee**.

H.B. 1010 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN WILSON AND ORANGE COUNTIES.

Referred to the **State & Local Government Committee**.

H.B. 1028, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY.

Referred to the **State & Local Government Committee**.

H.B. 1080, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES.

Referred to the **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 930, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE TOWN OF GARNER ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 446, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF ROANOKE RAPIDS, TO ADD CERTAIN DESCRIBED TERRITORY TO THE EXTRATERRITORIAL

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PLANNING JURISDICTION OF THE CITY OF ROANOKE RAPIDS, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WELDON, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SERVICE AND FILING REQUIREMENTS OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 492 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN BOTH CIVIL AND CRIMINAL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY.

Senator Hagan 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.

WITHDRAWAL FROM COMMITTEE

H.B. 7, A BILL TO BE ENTITLED AN ACT TO EXTEND TO MAY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, April 20, 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 Wednesday, April 20.

WITHDRAWAL FROM COMMITTEE

S.B. 267, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 1.

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Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

S.B. 773 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY.

The Committee Substitute bill passes its second reading (41-7).

Senator Kerr objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore* orders the measure placed on the Calendar for tomorrow, Tuesday, April 19, upon third reading.

WITHDRAWAL FROM CALENDAR

H.B. 7, A BILL TO BE ENTITLED AN ACT TO EXTEND TO MAY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS.

Upon motion of Senator Rand, the bill is withdrawn from the Calendar of Wednesday, April 20, and is placed on the Calendar for Tuesday, April 26.

CALENDAR *(continued)*

S.B. 835 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CREATION OF JET NOISE ZONES UNDER CITY AND COUNTY ZONING ORDINANCES AND REQUIRING THE DISCLOSURE OF MILITARY AIRPORT NOISE AND EVALUATION OF THE NEED FOR ADDITIONAL NOISE ABATEMENT REQUIREMENTS.

Upon motion of Senator Kerr, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, April 19.

WITHDRAWAL FROM COMMITTEE

S.B. 134, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 16.

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 & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

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S.B. 135, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 16.

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 & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 239, AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL HEALTH DEPARTMENTS AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 16, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TABOR CITY.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week: Anjali Bhakta, Raleigh; Ashley Canady Colavito, Clayton; Isaac F. Davis, Wallace; Bret Davis, Wilmington; Matthew T. Houston, Pink Hill; Caroline McKay, Garner; Kendle McKnight, Wake Forest; Jordan Michelle Parker, Burlington; Patrick Aaron Parker, Four Oaks; Brittany Lee Pence, Middlesex; Jakay Pierce, New Bern; Jessica Porter, Spring Lake; Clarence William Potter, Jr., Chapel Hill; Sydney Reed, Raleigh; Deanna Alys Riley, Raleigh; Trillian Natasia Roper, Middlesex; Margarita Constance Shirley, Durham; Jaleesa Jami Thomas, Raleigh; and Benjamin Wells Weston, Richlands.

Upon motion of Senator Dannelly, seconded by Senator Rand, the Senate adjourns at 7:34 P.M. to meet tomorrow, April 19, at 3:30 P.M.

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FORTY-EIGHTH DAY

Senate Chamber
Tuesday, April 19, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Nancy Allison, Associate Rector, Christ Episcopal Church, Raleigh, North Carolina, as follows:

“Grant, Almighty God, that the members of this honorable Senate may be blessed with a true sense of their vocation. May they serve the people of North Carolina wisely and well, bringing to the business of government brains that think and hearts that feel. May they have ideals, imagination, wisdom and courage, that they may never be enslaved by routine or popular opinion, but ever upheld by your free spirit and guided by your righteous will.

“On this day when the people of our country remember the act of terror that engulfed Oklahoma City ten years, we pray also for those who defend and protect us: the police, the firefighters, the emergency and intelligence services, all medical and hospital personnel, and those branches of local and state government that must guide and direct their efforts. Give us gratitude for their selfless courage and keep us ever mindful that our common life depends upon other's toil.

“We rejoice, also, with our many citizens who give thanks this day for the election of Joseph Ratzinger as Benedict XVI, the two hundred and sixty-fifth Pope. Grant him, O Lord, wisdom, grace, health and strength to lead his people into the third millennium of the Common Era, that he and they may be a blessing to all the world. All this we ask in the name of the God who creates, redeems and sustains us all. Amen.”

The Chair grants a leave of absence for today to Senator Blake.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, April 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Cheryl Straub from Kannapolis, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 552, A BILL TO BE ENTITLED AN ACT TO REQUIRE AN UNAUTHORIZED INSURER AGAINST WHICH A SUMMARY CEASE AND

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DESIST ORDER HAS BEEN ISSUED TO PETITION THE DEPARTMENT OF INSURANCE FOR A HEARING ON THE MATTER BEFORE PETITIONING THE SUPERIOR COURT OF 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 75285, which changes the title to read **S.B. 552** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN UNAUTHORIZED INSURER AGAINST WHICH AN EMERGENCY CEASE AND DESIST ORDER HAS BEEN ISSUED TO PETITION THE DEPARTMENT OF INSURANCE FOR A HEARING ON THE MATTER AND TO APPEAL THAT DECISION TO THE SUPERIOR COURT OF WAKE COUNTY, is adopted and engrossed.

S.B. 593, A BILL TO BE ENTITLED AN ACT TO EXEMPT ATTORNEYS APPOINTED TO REPRESENT INDIGENT CLIENTS FROM THE FEE CHARGED BY THE CLERK OF COURT FOR PREPARING COPIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75286, is adopted and engrossed.

Upon motion of Senator Hartsell, the bill is re-referred to the **Finance Committee**.

S.B. 594, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING RECOUPMENT FOR LEGAL SERVICES PROVIDED TO INDIGENT PERSONS WHO ARE FINANCIALLY ABLE TO PAY A PORTION OF THE VALUE OF THOSE SERVICES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35210, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 1087, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERSONS WITH A REVOKED DRIVERS LICENSE TO OBTAIN A LIMITED DRIVING PRIVILEGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75288, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Soles for the **Commerce Committee**:

H.B. 752, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE UMSTEAD ACT THE SALE BY NORTH CAROLINA STATE UNIVERSITY OF PRODUCTS PRODUCED BY THE DAIRY AND PROCESS APPLICATION LABORATORY, with a favorable report.

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By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 316, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT A TEMPORARY ACT THAT PROVIDED THAT GASOLINE THAT MEETS FEDERAL REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE SHALL BE DEEMED TO COMPLY WITH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE, with a favorable report.

S.B. 1157, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF OYSTER SHELLS IN LANDFILLS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35212, which changes the title to read **S.B. 1157** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF OYSTER SHELLS IN LANDFILLS AND TO PROVIDE AN INCOME TAX CREDIT FOR DONATIONS OF OYSTER SHELLS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR PLACEMENT IN OYSTER SANCTUARIES TO RESTORE OYSTER POPULATIONS, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Swindell for the **Education/Higher Education Committee**:

S.B. 1052, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE BUSINESS EDUCATION TECHNOLOGY ALLIANCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35211, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 666, A BILL TO BE ENTITLED AN ACT TO ALLOW ATTORNEYS' FEES TO BE AWARDED TO THE PREVAILING PARTY IN AN ACTION TO ENFORCE PROVISIONS OF THE ARTICLES OF INCORPORATION, DECLARATION, BYLAWS, OR RULES OF A PLANNED COMMUNITY CREATED PRIOR TO JANUARY 1, 1999, IF RECOVERY OF ATTORNEYS' FEES IS ALLOWED IN THE DECLARATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Senator Hartsell offers Amendment No. 1 which is adopted (49-0).

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The bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 709 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE SECRETARY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND THE SECRETARY OF THE STATE DEPARTMENT OF CORRECTION TO SET THE SALARY SUPPLEMENT FOR CERTAIN PERSONNEL WORKING AT PROGRAMS OPERATED BY THEIR DEPARTMENTS.

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**.

WITHDRAWAL FROM COMMITTEE

S.B. 262, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 1.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

S.B. 602, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF TRANSPORTATION TO AWARD CONTRACTS ON ALTERNATE BIDDING PROCEDURES, referred to the **State & Local Government Committee** on March 16.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State & Local Government Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State & Local Government Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

S.B. 611, A BILL TO BE ENTITLED AN ACT TO GOVERN DEPARTMENT OF CONTRACTORS ON DEPARTMENT OF TRANSPORTATION CONSTRUCTION PROJECTS, referred to the **Judiciary I Committee** on March 16.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

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S.B. 1062, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTION FORMULA FOR FUNDS EXPENDED ON THE INTRASTATE SYSTEM AND TRANSPORTATION IMPROVEMENT PROGRAM PROJECTS, referred to the **Transportation Committee** on March 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Transportation Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Transportation Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

CALENDAR *(continued)*

S.B. 773 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY.

Upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 988 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY TO GASTON COLLEGE, re-referred to the **Finance Committee** on April 13.

Pursuant to Rule 47(a), Senator Hoyle offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the Calendar for Thursday, April 21, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and places it on the Calendar for Thursday, April 21.

RECOGNITION OF DAVIS PUGH

With unanimous consent, upon motion of Senator Dannelly, the privileges of the floor are extended to Frankie and Janna Pugh from Greenville, North Carolina, along with their son, Davis, who is the ambassador for the State of North Carolina for the 2005 Children's Miracle Network Campaign. Senator Brown, Senator Jenkins, Senator Kerr and Senator Thomas and Senator Purcell are appointed to escort the guests to the Well of the Senate. Less than two years ago, Davis Pugh was battling a rare cancer, which was diagnosed as alveolar rhabdomyosarcoma. After undergoing months of aggressive chemotherapy to reduce the tumor, he has been chosen to represent North Carolina as the 2005 Ambassador for the Children's Miracle Network and to serve as a goodwill representative with children from fifty states in Washington, D.C. and at the National Children's Miracle Network conference in Florida.

Mrs. Pugh is recognized and addresses the Senate.

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The President recognizes the Committee to escort the guests from the Chamber, who depart to a standing ovation.

The President extends the courtesies of the gallery to Joel Butler, Chief External Affairs Officer/Community Services, University Health Systems; Brenda Joyner, Executive Director, Pitt Memorial Hospital Foundation and University Health Systems Foundation; and Kinney Hart, Major Gifts Officer, Children's Hospital, Pitt Memorial Hospital Foundation.

CALENDAR (continued)

S.B. 667, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN SUBORDINATION AGREEMENTS AND TO CLARIFY THE LAW ON THE PRIORITY OF INSTRUMENTS REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 689, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CLERK OF SUPERIOR COURT IS RESPONSIBLE FOR PROVIDING COPIES OF THE TRIAL FILE TO APPOINTED APPELLATE COUNSEL IN INDIGENT CASES.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 737 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL RECORD CHECKS FOR COUNTY GOVERNMENTS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 835 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CREATION OF JET NOISE ZONES UNDER CITY AND COUNTY ZONING ORDINANCES AND REQUIRING THE DISCLOSURE OF MILITARY AIRPORT NOISE AND EVALUATION OF THE NEED FOR ADDITIONAL NOISE ABATEMENT REQUIREMENTS.

Senator Rand offers Amendment No. 1 which is adopted (49-0), and changes the title to read **S.B. 835** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CREATION OF MILITARY NOISE ZONES UNDER CITY AND COUNTY ZONING ORDINANCES AND REQUIRING THE DISCLOSURE OF MILITARY NOISE AND EVALUATION OF THE NEED FOR ADDITIONAL NOISE ABATEMENT REQUIREMENTS.

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 45, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' ADULT PROTECTIVE SERVICES TASK FORCE TO COLLABORATE WITH OTHERS

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INTERESTED IN IMPROVING ADULT PROTECTIVE SERVICES AND REPORT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 863, A BILL TO BE ENTITLED AN ACT TO TERMINATE PAYMENTS OF WORKERS' COMPENSATION OTHER THAN MEDICAL COMPENSATION FOR EMPLOYEES WHO ARE CONVICTED OF HAVING FRAUDULENTLY OBTAINED THE COMPENSATION, referred to the **Judiciary II Committee** on March 23.

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 **Commerce 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 **Commerce Committee**.

S.B. 864, A BILL TO BE ENTITLED AN ACT TO ALLOW COMPENSATION UNDER THE WORKERS' COMPENSATION ACT FOR INJURIES OF THE EXTREMITIES OF THE BODY OF THE EMPLOYEE WHERE THE INJURY ARISES OUT OF AND IN THE COURSE OF EMPLOYMENT AND IS THE DIRECT RESULT OF A SPECIFIC TRAUMATIC INCIDENT OF THE WORK ASSIGNED, referred to the **Judiciary II Committee** on March 23.

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 **Commerce 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 **Commerce Committee**.

S.B. 865, A BILL TO BE ENTITLED AN ACT TO CREATE AN INCENTIVE TO RETURN TO WORK FOR EMPLOYEES WHO ARE PARTIALLY INCAPACITATED AND RECEIVING COMPENSATION UNDER THE WORKERS' COMPENSATION ACT BY REPEALING THE PROVISION THAT LIMITS SUCH EMPLOYEES TO RECEIVE COMPENSATION FOR NO LONGER THAN THREE HUNDRED WEEKS, referred to the **Judiciary II Committee** on March 23.

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 **Commerce 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 **Commerce Committee**.

S.B. 866, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM AWARD UNDER THE WORKERS' COMPENSATION ACT FOR THE LOSS OR PERMANENT INJURY TO AN IMPORTANT ORGAN OR

PART OF THE BODY NOT OTHERWISE ADDRESSED IN THE SCHEDULE OF INJURIES, referred to the **Judiciary II Committee** on March 23.

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 **Commerce 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 **Commerce Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 2, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISSEMINATION OF OBSCENE AND GRAPHICALLY VIOLENT VIDEO GAMES TO MINORS AND TO REQUIRE VIDEO GAME RETAILERS TO INFORM CONSUMERS THAT A VIDEO GAME RATING SYSTEM IS AVAILABLE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75289, is adopted and engrossed.

ADDITIONAL SPONSOR

Senator Brock requests to be added as a sponsor of previously introduced legislation:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns in memory of those who lost their lives in the Oklahoma City Bombing ten years ago and subject to ratification of bills and reading of messages from the House of Representatives, to meet tomorrow, April 20, at 4:30 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 166 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ELIZABETHTOWN, BLADENBORO, AND ROSE HILL TO REGULATE GOLF CARTS AND TO CLARIFY LAW ENFORCEMENT AUTHORITY FOR THE ENFORCEMENT OF LAWS

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RELATING TO MOTOR VEHICLES WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, April 20, for concurrence.

H.B. 678 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN BIDS ON CERTAIN SERVICE CONTRACTS WITHOUT OBTAINING APPROVAL FROM THE STATE PURCHASING OFFICER.

Referred to the **Commerce Committee**.

H.B. 891 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES.

Referred to the **Commerce Committee**.

H.B. 986 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF GREENVILLE AND THE TOWNS OF SURF CITY AND WINDSOR.

Referred to the **Finance Committee**.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 446, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF ROANOKE RAPIDS, TO ADD CERTAIN DESCRIBED TERRITORY TO THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE CITY OF ROANOKE RAPIDS, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WELDON.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 16, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF TABOR CITY. (Became law upon ratification, April 20, 2005 - S.L. 2005-8.)

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:33 P.M.

April 19, 2005

FORTY-NINTH DAY

Senate Chamber
Wednesday, April 20, 2005

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, in an exchange at the front door of the sanctuary following worship, a parishioner created and offered the obligatory compliment to the pastor, 'That was a wonderful sermon.' The Pastor paused and responded... 'Elizabeth, that remains to be seen!' Help us to be doers of the Word of God and not hearers only. Amen."

The Chair grants a leave of absence for today to Senator Jenkins.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, April 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 privileges of the floor to Dr. Eric Rappaport from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Sandra Brown from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 45, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' ADULT PROTECTIVE SERVICES TASK FORCE TO COLLABORATE WITH OTHERS INTERESTED IN IMPROVING ADULT PROTECTIVE SERVICES AND REPORT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 75, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON AND THE TOWN OF LOUISBURG.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

April 20, 2005

H.B. 446, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF ROANOKE RAPIDS, TO ADD CERTAIN DESCRIBED TERRITORY TO THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE CITY OF ROANOKE RAPIDS, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WELDON. (Became law upon ratification, April 21, 2005 - S.L. 2005-9.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 321, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS REQUESTING TO BE EXCUSED FROM JURY DUTY ON ACCOUNT OF AGE TO REQUEST A PERMANENT EXEMPTION FROM THAT JURY SERVICE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed bill 75290, which changes the title to read **S.B. 321** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS SEVENTY AND OLDER REQUESTING TO BE EXCUSED FROM JURY DUTY TO REQUEST A PERMANENT EXEMPTION FROM THAT JURY SERVICE, is adopted and engrossed.

S.B. 701, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO CLARIFY THE LAW PROVIDING LEGISLATIVE OVERSIGHT OF AGENCY FEES AND CHARGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75292, is adopted and engrossed.

By Senator Bingham for the **Health Care Committee**:

H.B. 496 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES PERMITTING STUDENTS WITH ASTHMA OR STUDENTS SUBJECT TO ANAPHYLACTIC REACTIONS, OR BOTH, TO POSSESS AND SELF-ADMINISTER ASTHMA MEDICATION, AND TO RECODIFY CERTAIN STATUTES TO CREATE A NEW ARTICLE 26A IN CHAPTER 115C OF THE GENERAL STATUTES, with a favorable report.

By Senator East for the **State & Local Government Committee**:

H.B. 699, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE

April 20, 2005

ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION, with a favorable report.

H.B. 825 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE TOWN OF KENANSVILLE ALCOHOLIC BEVERAGE CONTROL BOARD, with a favorable report.

H.B. 856 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY AND TO CHANGE THE TERMS FROM TWO TO THREE YEARS, with a favorable report.

H.B. 921, A BILL TO BE ENTITLED AN ACT TO AMEND THE CURRITUCK COUNTY DEER HUNTING LAW TO PROVIDE FOR THE TAKING OF EITHER SEX DEER, with a favorable report.

S.B. 134, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85229, which changes the title to read **S.B. 134** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE, is adopted and engrossed.

S.B. 135, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55210, which changes the title to read **S.B. 135** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY, is adopted and engrossed.

S.B. 262, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35215, which changes the title to read **S.B. 262** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES, is adopted and engrossed.

April 20, 2005

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 166 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ELIZABETHTOWN, BLADENBORO, AND ROSE HILL TO REGULATE GOLF CARTS AND TO CLARIFY LAW ENFORCEMENT AUTHORITY FOR THE ENFORCEMENT OF LAWS RELATING TO MOTOR VEHICLES WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY, 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.

S.B. 2 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISSEMINATION OF OBSCENE AND GRAPHICALLY VIOLENT VIDEO GAMES TO MINORS AND TO REQUIRE VIDEO GAME RETAILERS TO INFORM CONSUMERS THAT A VIDEO GAME RATING SYSTEM IS AVAILABLE.

Senator Horton offers Amendment No. 1 which is adopted (49-0).

Senator Brock offers Amendment No. 2 which he subsequently withdraws.

The Committee Substitute bill, as amended, passes its second reading (49-0).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, April 21, upon third reading.

S.B. 644, A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER THE STATE PERSONNEL ACT.

Upon motion of Senator Hoyle, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 27.

S.B. 316, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT A TEMPORARY ACT THAT PROVIDED THAT GASOLINE THAT MEETS FEDERAL REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE SHALL BE DEEMED TO COMPLY WITH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 552 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN UNAUTHORIZED INSURER AGAINST WHICH AN EMERGENCY CEASE AND DESIST ORDER HAS BEEN ISSUED TO PETITION THE DEPARTMENT OF INSURANCE FOR A HEARING ON THE MATTER AND TO APPEAL THAT DECISION TO THE SUPERIOR COURT OF WAKE COUNTY.

April 20, 2005

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 752, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE UMSTEAD ACT THE SALE BY NORTH CAROLINA STATE UNIVERSITY OF PRODUCTS PRODUCED BY THE DAIRY AND PROCESS APPLICATION LABORATORY.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 676, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM'S BIONETWORK INITIATIVE, referred to the **Appropriations/Base Budget Committee** on March 17.

Pursuant to Rule 47(a), Senator Dalton offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Opportunities and Needs for Economic Growth in North Carolina Committee** and if favorable re-referred to the **Appropriations/Base Budget 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 **Opportunities and Needs for Economic Growth in North Carolina Committee** and if favorable re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1102, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO IMPLEMENT THE NORTH CAROLINA ECONOMIC DEVELOPMENT BOARD STUDY RECOMMENDATIONS, referred to the **Appropriations/Base Budget Committee** on March 24.

Pursuant to Rule 47(a), Senator Dalton offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Opportunities and Needs for Economic Growth in North Carolina Committee**, and if favorable re-referred to the **Appropriations/Base Budget 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 **Opportunities and Needs for Economic Growth in North Carolina Committee** and if favorable re-referred to the **Appropriations/Base Budget Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 356, A BILL TO BE ENTITLED AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY PUMPER TRUCKS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

April 20, 2005

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65303, which changes the title to read **S.B. 356** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY PUMPER TRUCKS AND SWEEPERS, is adopted and engrossed.

Upon motion of Senator Basnight, seconded by Senator Garrou, the Senate adjourns in memory of Clarence "Big House" Gaines, former basketball coach at Winston-Salem State University, and subject to reading of messages from the House of Representatives, to meet tomorrow, April 21, at 11:00 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES FRANCES AND IVAN.

Referred to the **Education/Higher Education Committee**.

H.B. 665, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS.

Referred to the **Commerce Committee**.

H.B. 666 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS.

Referred to the **Judiciary II Committee**.

H.J.R. 744, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STORYTELLER JACQUELINE CARSON "JACKIE" TORRENCE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 761, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR CARRIER SAFETY STATUTES.

Referred to the **Transportation Committee**.

H.B. 860 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE GOVERNING BOARD OF THE TOWN OF BAKERSVILLE FROM THE BOARD OF ALDERMEN TO THE TOWN COUNCIL, TO PROVIDE THAT THE MAYOR SHALL BE ELECTED TO A FOUR-YEAR TERM, AND TO PROVIDE THAT THE TOWN COUNCIL SHALL BE ELECTED FOR TWO- AND FOUR-YEAR TERMS.

Referred to the **State & Local Government Committee**.

April 20, 2005

H.B. 864 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE AUTHORITY OF THE STATE TO CONDEMN PROPERTY FOR MAYO RIVER STATE PARK IN ROCKINGHAM COUNTY.

Referred to the **Finance Committee**.

H.B. 878 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONFERENCE OF CLERKS OF SUPERIOR COURT.

Referred to the **Judiciary II Committee**.

H.B. 908 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONE OF THE FIFTEEN MEMBERS OF THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION MAY BE FROM A WATER OR SEWER MUNICIPAL UTILITY RATHER THAN AN AUTHORITY AND TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY WHOSE DISTRICTS INCLUDE ANY PART OF THE NORTH CAROLINA PORTION OF THE ROANOKE RIVER BASIN MAY SERVE AS LEGISLATIVE MEMBERS OF THE ROANOKE RIVER BASIN BI-STATE COMMISSION.

Referred to the **State & Local Government Committee**.

H.B. 963, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF MATTHEWS.

Referred to the **State & Local Government Committee**.

H.B. 973, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE.

Referred to the **State & Local Government Committee**.

H.B. 1000, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE BOARD OF GREENE COUNTY COMMISSIONERS MAY REQUIRE THE REGISTER OF DEEDS NOT TO ACCEPT DEEDS FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY.

Referred to the **Finance Committee**.

H.B. 1077 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH.

Referred to the **Health Care Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:36 P.M.

April 20, 2005

FIFTIETH DAY

Senate Chamber
Thursday, April 21, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Honorable Jeanne Lucas, Senator from Durham County, as follows:

"Father, we always acknowledge you in your goodness and what you've done for us. Once again we see your majestic power and the beauty of your beautiful, lovely springtime and we want to thank you for that. Father, we ask of you this morning that you make our lives radiate this beauty in our continued relationship, one with another and that as we depart from this assembly this week that you take us to our safe places and that you continue to embrace us with your love, your grace, and your mercy. It's in your precious name we pray, Amen."

The Chair grants leaves of absence for today to Senator Jenkins, Senator Kinnaird, and Senator Pittenger.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, April 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Susan R. Mims from Asheville, North Carolina, who is serving the Senate as Doctor of the Day, and to Kathy Dutton from Greenville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 210, AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE.

H.B. 752, AN ACT TO EXEMPT FROM THE UMSTEAD ACT THE SALE BY NORTH CAROLINA STATE UNIVERSITY OF PRODUCTS PRODUCED BY THE DAIRY AND PROCESS APPLICATION LABORATORY.

April 21, 2005

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 166, AN ACT TO AUTHORIZE THE TOWNS OF ELIZABETHTOWN, BLADENBORO, AND ROSE HILL TO REGULATE GOLF CARTS AND TO CLARIFY LAW ENFORCEMENT AUTHORITY FOR THE ENFORCEMENT OF LAWS RELATING TO MOTOR VEHICLES WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY.

S.B. 332, AN ACT TO PERMIT THE CITY OF GREENSBORO TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 75, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON AND THE TOWN OF LOUISBURG. (Became law upon ratification, April 20, 2005 - S.L. 2005-10.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

S.B. 326, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED REGISTERED NURSES TO RETURN TO EMPLOYMENT TEACHING AT COMMUNITY COLLEGES WITHOUT LOSING RETIREMENT BENEFITS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75293, is adopted and engrossed.

Upon motion of Senator Bingham, the Committee Substitute bill is referred to the **Pensions & Retirement and Aging Committee**.

By Senator East for the **State & Local Government Committee**:

H.B. 489 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

April 21, 2005

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10276, which changes the title to read **H.B. 489** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, THE TOWN OF HOLLY SPRINGS, AND CABARRUS COUNTY AND THE MUNICIPALITIES WHOLLY OR PARTIALLY LOCATED WITHIN CABARRUS COUNTY, is adopted and engrossed.

By Senator Lucas for the **Education/Higher Education Committee**:

S.B. 565, A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65305, is adopted and engrossed.

S.B. 700, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CUSTOMIZED INDUSTRY TRAINING PROGRAM., with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75294, is adopted and engrossed.

CALENDAR

Bills on today's Calendar is taken up and disposed of, as follows:

S.B. 321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS SEVENTY AND OLDER REQUESTING TO BE EXCUSED FROM JURY DUTY TO REQUEST A PERMANENT EXEMPTION FROM THAT JURY SERVICE.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 26.

The Senate recesses at 11:15 A.M. for the purpose of a Finance Committee meeting to reconvene at 11:25 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

April 21, 2005

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 351 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX FOR PASQUOTANK COUNTY AND ELIZABETH CITY, with a favorable report.

Upon motion of Senator Hoyle, the Rules are suspended and the Committee Substitute bill is placed on today's Calendar, upon second reading.

H.B. 399 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS, 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 30259, is adopted and engrossed.

Upon motion of Senator Hoyle, the Rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar, upon second reading.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 488, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR A CARETAKER TO EXPLOIT AN ELDER OR DISABLED ADULT IN ANY SETTING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65304, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 226, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55214, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 134 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

April 21, 2005

S.B. 135 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 825 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE TOWN OF KENANSVILLE ALCOHOLIC BEVERAGE CONTROL BOARD.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

H.B. 856 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY AND TO CHANGE THE TERMS FROM TWO TO THREE YEARS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

H.B. 921, A BILL TO BE ENTITLED AN ACT TO AMEND THE CURRITUCK COUNTY DEER HUNTING LAW TO PROVIDE FOR THE TAKING OF EITHER SEX DEER.

The bill passes its second (47-0) and third readings and is ordered enrolled.

S.B. 262 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

The Committee Substitute bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

S.B. 356 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY PUMPER TRUCKS AND SWEEPERS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 701 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO CLARIFY THE LAW PROVIDING LEGISLATIVE OVERSIGHT OF AGENCY FEES AND CHARGES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

April 21, 2005

S.B. 988 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY TO GASTON COLLEGE.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 496 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES PERMITTING STUDENTS WITH ASTHMA OR STUDENTS SUBJECT TO ANAPHYLACTIC REACTIONS, OR BOTH, TO POSSESS AND SELF-ADMINISTER ASTHMA MEDICATION, AND TO RECODIFY CERTAIN STATUTES TO CREATE A NEW ARTICLE 26A IN CHAPTER 115C OF THE GENERAL STATUTES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 699, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION.

Senator Berger of Rockingham offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its second reading (46-1).

Senator Kerr objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, April 25, upon third reading.

S.B. 2 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISSEMINATION OF OBSCENE AND GRAPHICALLY VIOLENT VIDEO GAMES TO MINORS AND TO REQUIRE VIDEO GAME RETAILERS TO INFORM CONSUMERS THAT A VIDEO GAME RATING SYSTEM IS AVAILABLE, as amended on second reading.

The Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives.

H.B. 351 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX FOR PASQUOTANK COUNTY AND ELIZABETH CITY, placed earlier on today's Calendar, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Kerr, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—43.

Voting in the negative: Senators East, Forrester, Presnell and Webster—4.

The Committee Substitute bill remains on the Calendar for Monday, April 25, upon third reading.

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H.B. 399 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS, placed earlier on today's Calendar, upon second reading.

The Senate 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Kerr, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, April 25, upon third reading.

WITHDRAWAL FROM COMMITTEE

S.B. 92, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WATAUGA, referred to the **Rules and Operations of the Senate Committee** on February 9.

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 Cowell, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Monday, April 25, at 7:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 371, A BILL TO BE ENTITLED AN ACT DESIGNATING THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE AS NORTH CAROLINA'S HISTORICALLY AMERICAN INDIAN UNIVERSITY.

Referred to the **Education/Higher Education Committee**.

H.B. 660 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE FINANCIAL LAWS UNDER CHAPTER 58 OF THE GENERAL STATUTES.

Referred to the **Commerce Committee**.

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H.B. 801 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE TO RESOLVE THE ISSUE OF CONFLICTING CHILD CUSTODY ORDERS; TO CLARIFY THE EFFECT OF TERMINATING JURISDICTION IN CERTAIN JUVENILE CASES; TO GIVE THE COURT AUTHORITY TO CONVERT A JUVENILE COURT CUSTODY ORDER INTO A PERMANENT CUSTODY ORDER UNDER CHAPTER 50 OF THE GENERAL STATUTES; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW.

Referred to the **Judiciary II Committee**.

H.B. 813 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS.

Referred to the **Commerce Committee**.

H.B. 882, A BILL TO BE ENTITLED AN ACT TO INCLUDE ROBESON COUNTY IN THE LIST OF COUNTIES THAT MAY REQUIRE THE REGISTER OF DEEDS TO REQUIRE A TAX CERTIFICATION BEFORE ACCEPTING ANY DEED.

Referred to the **Finance Committee**.

H.B. 1016 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISPOSITION OF A FIREARM TO PROVIDE THAT UPON ORDER OF THE APPROPRIATE COURT, A LAW ENFORCEMENT AGENCY MAY USE THE FIREARM FOR OFFICIAL USE OR MAY TRADE, EXCHANGE, OR SELL THE FIREARM TO A FEDERALLY LICENSED FIREARMS DEALER AND MAY USE THE PROCEEDS FROM THE SALE OF UNCLAIMED FIREARMS FOR LAW ENFORCEMENT PURPOSES.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:03 P.M.

FIFTY-FIRST DAY

Senate Chamber
Monday, April 25, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Heavenly Father, we know that all things are possible for you. Yet, like a wise parent, you often wait until we as your adult children invite your participation in our

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decision making. So at the outset of this week, we do seek your presence, we do seek your wisdom, we do seek your instruction in all that comes before the Senate. Having sought and followed your advice that what we say, that what we do will be a reflection of your loving parenthood. In your Holy name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Goodall and Senator Nesbitt.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, April 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Anu Bommarreddi from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Sherry Wilson from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 496, AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES PERMITTING STUDENTS WITH ASTHMA OR STUDENTS SUBJECT TO ANAPHYLACTIC REACTIONS, OR BOTH, TO POSSESS AND SELF-ADMINISTER ASTHMA MEDICATION, AND TO RECODIFY CERTAIN STATUTES TO CREATE A NEW ARTICLE 26A IN CHAPTER 115C OF THE GENERAL STATUTES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 825, AN ACT TO INCREASE THE MEMBERSHIP OF THE TOWN OF KENANSVILLE ALCOHOLIC BEVERAGE CONTROL BOARD.

H.B. 856, AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY AND TO CHANGE THE TERMS FROM TWO TO THREE YEARS.

H.B. 921, AN ACT TO AMEND THE CURRITUCK COUNTY DEER HUNTING LAW TO PROVIDE FOR THE TAKING OF EITHER SEX DEER.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

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S.B. 166, AN ACT TO AUTHORIZE THE TOWNS OF ELIZABETHTOWN, BLADENBORO, AND ROSE HILL TO REGULATE GOLF CARTS AND TO CLARIFY LAW ENFORCEMENT AUTHORITY FOR THE ENFORCEMENT OF LAWS RELATING TO MOTOR VEHICLES WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY. (Became law upon ratification, April 21, 2005 - S.L. 2005-11.)

S.B. 332, AN ACT TO PERMIT THE CITY OF GREENSBORO TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES. (Became law upon ratification, April 21, 2005 - S.L. 2005-12.)

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 700 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CUSTOMIZED INDUSTRY TRAINING PROGRAM.

Upon motion of Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, April 26.

WITHDRAWAL FROM COMMITTEE

H.J.R. 930, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE TOWN OF GARNER ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on April 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on tonight's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and places it on tonight's Calendar.

CALENDAR *(continued)*

H.B. 489 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, THE TOWN OF HOLLY SPRINGS, AND CABARRUS COUNTY AND THE MUNICIPALITIES WHOLLY OR PARTIALLY LOCATED WITHIN CABARRUS COUNTY.

Upon motion of Senator Stevens, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, April 26.

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REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 883, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT NOTIFICATION OF THE DISPOSITION OF CERTAIN UNCLAIMED FIREARMS MAY BE DONE BY POSTING NOTICE AT THE HEADQUARTERS OR ON THE WEB SITE OF THE APPROPRIATE LAW ENFORCEMENT AGENCY RATHER THAN BY PUBLICATION IN A NEWSPAPER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55215, which changes the title to read **S.B. 883** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NOTIFICATION REQUIREMENT FOR MECKLENBURG COUNTY REGARDING THE DISPOSITION OF A SEIZED FIREARM AND TO PROVIDE THAT IN MECKLENBURG COUNTY EITHER THE SHERIFF OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY WITH JURISDICTION TO ENFORCE THE LAW WHERE THE FIREARM WAS SEIZED MAY DESTROY THE FIREARM IN ACCORDANCE WITH A COURT ORDER, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 226 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS.

Upon motion of Senator Allran, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, May 2.

H.B. 351 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX FOR PASQUOTANK COUNTY AND ELIZABETH CITY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—45.

Voting in the negative: Senators Forrester, Presnell and Webster—3.

The Committee Substitute bill is ordered enrolled.

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H.B. 399 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR A CARETAKER TO EXPLOIT AN ELDER OR DISABLED ADULT IN ANY SETTING.

The Committee Substitute bill passes its second reading (48-0).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, April 26, upon third reading.

S.B. 565 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

H.B. 699, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION, as amended on second reading.

The bill, as amended, passes its third (47-1) reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.J.R. 930, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE TOWN OF GARNER ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY, placed earlier on tonight's calendar.

The joint resolution passes its second (48-0) and third readings and is ordered enrolled.

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WITHDRAWAL FROM CALENDAR

S.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR A CARETAKER TO EXPLOIT AN ELDER OR DISABLED ADULT IN ANY SETTING, placed on the Calendar for tomorrow, April 26, upon third reading.

Senator Webster withdraws his objection to third reading and Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the Calendar for April 26, and placed on tonight's Calendar which motion prevails.

The Chair orders the bill withdrawn from the Calendar for April 26, and places it before the Senate for immediate consideration upon third reading.

Senator Webster offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered engrossed sent to the House of Representatives.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Iuvinia R. Basile, Salemburg; Michael R. Carey, Raleigh; Peter Samuel Coogan, Wake Forest; Robert Bruce Ethridge, Castle Hayne; Brittany Nicole Gibson, Murphy; Stephen H. Kouba, Jr., Fayetteville; Charles T. Littleton, Salemburg; Alexandra M. Loizias, Wilmington; Cherelle McKnight, Lillington; Scott Possiel, Raleigh; Kristen L. Royal, Salemburg; Justin C. Siler, Salemburg; Sara Phillips Sumner, Gastonia; and Clayton Thomas, Cary.

Upon motion of Senator Dannelly, seconded by Senator Bingham, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, April 26, at 4:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 570, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PROFIT DISTRIBUTION FROM THE SALES OF ALCOHOLIC BEVERAGES BY THE KINGS MOUNTAIN ALCOHOLIC BEVERAGE CONTROL BOARD.

Referred to the **State & Local Government Committee**.

H.B. 736, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES.

Referred to the **Finance Committee**.

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H.B. 766, A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA.

Referred to the **Finance Committee**.

H.B. 997, A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF DAVIE COUNTY AS TO AN EMERGENCY MEDICAL SERVICES STATION.

Referred to the **State & Local Government Committee**.

H.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR.

Referred to the **Education/Higher Education Committee**.

H.B. 1056, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY.

Referred to the **Finance Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 7:55 P.M.

FIFTY-SECOND DAY

Senate Chamber
Tuesday, April 26, 2005

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 Dr. Winston B. Charles, Christ Episcopal Church, Raleigh, North Carolina, as follows:

"Good and gracious God, creator of all that is and governor of time and place, come into the hearts of your people, reside in our midst, bring among us the spirit of truth and wonder, justice and mercy, compassion and responsibility. We give thanks for these women and men who give generously of themselves for the benefit of others. Grant to these members of this Senate Chamber wisdom and grace to exercise their duties, courage to be the leaders of the people who have elected them, foresight to know the ways that lead to prosperity and health for all of your people, faithfulness in the ministry to which you have called them. Bless all of their staffs and the government persons who

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daily provide in manifold ways the support needed to carry out the mission of this body. Grant that we might not be discouraged by challenges set before us, but rather that we might know that you are at work within us and before us to establish your reign of goodness and mercy and that you will provide all that we need in order to realize your gracious will for your people. Open for us a visionary highway on which we might travel together so that all of the people of North Carolina might have the basic needs of a wholesome life. Grant us ways that we might honor the gift of your natural creation and use it wisely so as to leave it as a legacy to coming generations. Give to our Nation and to the world an enduring peace and a hopeful future. Above all, open our hearts to a wondrous knowledge of your grace and mercy toward us, and all your creation. Open our minds to the spirit-filled direction of your plan for this State. Open our hands that we might reach out to one another. Open our wills that we might seize the day and work for the world that you are creating for us and for all of your people. All of this we pray in your most holy name, Amen."

The Chair grants a leave of absence for today to Senator Goodall.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, April 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 privileges of the floor to Dr. Michelle F. Jones from Wilmington, North Carolina, who is serving the Senate as Doctor of the Day, and to Brett VanDamme from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 351, AN ACT TO MODIFY THE OCCUPANCY TAX FOR PASQUOTANK COUNTY AND ELIZABETH CITY.

H.J.R. 930, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE TOWN OF GARNER ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY. (Res. 26)

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. 825, AN ACT TO INCREASE THE MEMBERSHIP OF THE TOWN OF KENANSVILLE ALCOHOLIC BEVERAGE CONTROL BOARD. (Became law upon ratification, April 25, 2005 - S.L. 2005-13.)

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H.B. 856, AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY AND TO CHANGE THE TERMS FROM TWO TO THREE YEARS. (Became law upon ratification, April 25, 2005 - S.L. 2005-14.)

H.B. 921, AN ACT TO AMEND THE CURRITUCK COUNTY DEER HUNTING LAW TO PROVIDE FOR THE TAKING OF EITHER SEX DEER. (Became law upon ratification, April 25, 2005 - S.L. 2005-15.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 883 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NOTIFICATION REQUIREMENT FOR MECKLENBURG COUNTY REGARDING THE DISPOSITION OF A SEIZED FIREARM AND TO PROVIDE THAT IN MECKLENBURG COUNTY EITHER THE SHERIFF OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY WITH JURISDICTION TO ENFORCE THE LAW WHERE THE FIREARM WAS SEIZED MAY DESTROY THE FIREARM IN ACCORDANCE WITH A COURT ORDER.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, April 27.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.B. 116, A BILL TO BE ENTITLED AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS PLANT OF THE STATE OF NORTH CAROLINA, with a favorable report.

S.B. 95, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75299, which changes the title to read **S.B. 95** (Committee Substitute), A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY TO MATCH FEDERAL FUNDS FOR AGRICULTURAL RESEARCH, COOPERATIVE EXTENSION, AND TEACHING ACTIVITIES, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

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S.B. 128, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75287, which changes the title to read **S.B. 128** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING OFFICIAL STATE DANCES, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 559, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15233, which changes the title to read **S.B. 559** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES, TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES, AND TO REQUIRE STATE AND NATIONAL CRIMINAL RECORD CHECKS WHEN EXPUNGING RECORDS, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 686, A BILL TO BE ENTITLED AN ACT TO ADD PSEUDOEPHEDRINE, A CRITICAL INGREDIENT IN THE MANUFACTURE OF THE ILLEGAL DRUG METHAMPHETAMINE, TO SCHEDULE V OF THE CONTROLLED SUBSTANCES LIST, TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO COMBAT THE MANUFACTURE OF METHAMPHETAMINE, TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUES RELATING TO THE ABUSE OF METHAMPHETAMINE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75296, which changes the title to read **S.B. 686** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD PSEUDOEPHEDRINE, A CRITICAL INGREDIENT IN THE MANUFACTURE OF THE ILLEGAL DRUG METHAMPHETAMINE, TO SCHEDULE V OF THE CONTROLLED SUBSTANCES LIST; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUES RELATING TO THE ABUSE OF METHAMPHETAMINE; AND TO MAKE TECHNICAL CHANGES, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

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By Senator Nesbitt for the **Opportunities and Needs for Economic Growth in North Carolina (ONE NC) Committee**:

S.B. 1102, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO IMPLEMENT THE NORTH CAROLINA ECONOMIC DEVELOPMENT BOARD STUDY RECOMMENDATIONS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 269, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 1.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Education/Higher Education Committee**.

S.B. 1117, A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AND GUARDSMEN SUPPORT ACT, referred to the **Appropriations/Base Budget Committee** on March 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

CALENDAR *(continued)*

H.B. 489 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, THE TOWN OF HOLLY SPRINGS, AND CABARRUS COUNTY AND THE MUNICIPALITIES WHOLLY OR PARTIALLY LOCATED WITHIN CABARRUS COUNTY.

Senator Stevens offers Amendment No. 1 which is adopted (48-0), and changes the title upon concurrence to read **H.B. 489** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY VARIOUS COUNTIES AND MUNICIPALITIES.

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The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS SEVENTY AND OLDER REQUESTING TO BE EXCUSED FROM JURY DUTY TO REQUEST A PERMANENT EXEMPTION FROM THAT JURY SERVICE.

The Committee Substitute bill passes its second (47-2) and third readings and is ordered sent to the House of Representatives.

S.B. 700 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CUSTOMIZED INDUSTRY TRAINING PROGRAM.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 7, A BILL TO BE ENTITLED AN ACT TO EXTEND TO MAY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS.

Senator Jenkins offers Amendment No. 1 which is adopted (49-0), and changes the title upon concurrence to read **H.B. 7**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO JULY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS.

The bill, as amended, passes its second (49-0) and third readings and is sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

WITHDRAWAL FROM COMMITTEE

S.B. 163, A BILL TO BE ENTITLED AN ACT TO ACKNOWLEDGE THE TRIBAL GOVERNMENTS OF STATE-RECOGNIZED INDIAN TRIBES IN NORTH CAROLINA, referred to the **State & Local Government Committee** on February 17.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State & Local Government Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State & Local Government Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns at 4:45 P.M. to meet tomorrow, April 27, at 3:30 P.M.

FIFTY-THIRD DAY

Senate Chamber
Wednesday, April 27, 2005

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, today we are reminded of the Biblical story in which Jesus visited the home of Lazarus and his sisters, Mary and Martha. While Jesus taught all the invited guests in the front room (including Mary), Martha worked alone behind the scenes in the kitchen preparing a meal for everyone else. On this 'Administrative Professional's Day,' we would like to recognize the invaluable contribution of the 'Martha's' of the Senate family, the Legislative Assistants and staff whose behind the scenes work makes what happens in the Senate Chamber possible. Amen."

The Chair grants leaves of absence for today to Senator Atwater and Senator Graham.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, April 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 privileges of the floor to Dr. Scott K. Garrison from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Rebecca Mahony from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 43, AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 351, AN ACT TO MODIFY THE OCCUPANCY TAX FOR PASQUOTANK COUNTY AND ELIZABETH CITY. (Became law upon ratification, April 26, 2005 - S.L. 2005-16.)

April 27, 2005

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 189, A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN 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 55216, is adopted and engrossed.

S.B. 664, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES PROPOSING PERMANENT RULES TO CONSIDER THE ADVERSE ECONOMIC IMPACT OF THE PROPOSED RULE ON SMALL BUSINESS; TO REQUIRE STATE AGENCY REVIEW OF EXISTING RULES PRIOR TO AMENDMENT TO DETERMINE THE IMPACT ON SMALL BUSINESS; TO ESTABLISH THE SMALL BUSINESS REGULATORY COMMITTEE IN THE DEPARTMENT OF COMMERCE; TO PROVIDE FOR SMALL BUSINESS REGULATORY COMMITTEE REVIEW OF PROPOSED PERMANENT RULES THAT MAY HAVE AN ADVERSE IMPACT ON SMALL BUSINESS AND SMALL BUSINESS REGULATORY COMMITTEE RECOMMENDATIONS TO THE AGENCY AND GENERAL ASSEMBLY; TO AUTHORIZE PETITION BY A SMALL BUSINESS OBJECTING TO A PERMANENT RULE ON SPECIFIED GROUNDS; PROVIDING FOR SMALL BUSINESS REGULATORY COMMITTEE REVIEW OF THE AGENCY'S RESPONSE TO THE PETITION; AND AUTHORIZING AGENCY WAIVER OF ADMINISTRATIVE FINES OR PENALTIES FOR VIOLATIONS BY SMALL BUSINESS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75298, which changes the title to read **S.B. 664** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES PROPOSING PERMANENT RULES TO CONSIDER THE ADVERSE ECONOMIC IMPACT OF THE PROPOSED RULE ON SMALL BUSINESS; TO REQUIRE STATE AGENCY REVIEW OF EXISTING RULES PRIOR TO AMENDMENT TO DETERMINE THE IMPACT ON SMALL BUSINESS; TO ESTABLISH THE SMALL BUSINESS REGULATORY REVIEW COMMITTEE IN THE DEPARTMENT OF COMMERCE TO REVIEW PROPOSED PERMANENT RULES THAT MAY HAVE AN ADVERSE IMPACT ON SMALL BUSINESS AND MAKE RECOMMENDATIONS TO THE AGENCY AND GENERAL ASSEMBLY; TO AUTHORIZE PETITION BY A SMALL BUSINESS OBJECTING TO A PERMANENT RULE ON SPECIFIED GROUNDS; PROVIDING FOR SMALL BUSINESS REGULATORY REVIEW COMMITTEE REVIEW OF THE AGENCY'S RESPONSE TO THE PETITION; AUTHORIZING JUDICIAL REVIEW OF THE PETITION; AUTHORIZING AGENCY WAIVER OF ADMINISTRATIVE FINES OR PENALTIES FOR VIOLATIONS BY SMALL BUSINESS; AND

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APPROPRIATING FUNDS TO THE DEPARTMENT OF COMMERCE TO SUPPORT THE SMALL BUSINESS REGULATORY REVIEW COMMITTEE, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 763, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN CERTAIN LARGE COUNTIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15230, which changes the title to read **S.B. 763** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC, is adopted and engrossed.

S.B. 972, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF WORSHIP, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75297, which changes the title to read **S.B. 972** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF RELIGIOUS WORSHIP, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Monday, May 2.

By Senator Holloman for the **State & Local Government Committee**:

H.B. 963, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF MATTHEWS, with a favorable report.

H.B. 973, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE, with a favorable report.

S.B. 62, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15236, which changes the title to read **S.B. 62** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF

April 27, 2005

GIBSON TO EXTEND THE TOWN COMMISSIONERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS, is adopted and engrossed.

S.B. 335, A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75300, which changes the title to read **S.B. 335** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE, is adopted and engrossed.

By Senator Garwood for the **Education/Higher Education Committee**:

S.B. 724, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEPENDENTS OF MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD PAY IN-STATE TUITION, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 862, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF KOREA AND VIETNAM, with a favorable report.

S.B. 254, A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY IN THE SCHOOL CALENDAR TO ACCOMMODATE EXTRAORDINARY CIRCUMSTANCES CAUSED BY HURRICANES FRANCES AND IVAN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65309, which changes the title to read **S.B. 254** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES FRANCES AND IVAN, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

H.B. 707, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES, with a favorable report.

WITHDRAWAL FROM CALENDAR

S.B. 226 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER

April 27, 2005

TO COUNT MAILED ABSENTEE VOTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS.

Senator Allran offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Monday, May 2, and placed on the Calendar for Thursday, April 28, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for Monday, May 2, and places it on the Calendar for Thursday, April 28, which motion prevails with unanimous consent.

WITHDRAWAL FROM COMMITTEE

S.B. 705, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD, referred to the **Judiciary I Committee** on March 21.

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 **Health Care 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 **Health Care Committee**.

S.B. 944, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 883 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NOTIFICATION REQUIREMENT FOR MECKLENBURG COUNTY REGARDING THE DISPOSITION OF A SEIZED FIREARM AND TO PROVIDE THAT IN MECKLENBURG COUNTY EITHER THE SHERIFF OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY WITH JURISDICTION TO ENFORCE THE LAW WHERE THE

April 27, 2005

FIREARM WAS SEIZED MAY DESTROY THE FIREARM IN ACCORDANCE WITH A COURT ORDER.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 804, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING AN ACCREDITATION SYSTEM FOR LOCAL HEALTH DEPARTMENTS, AS RECOMMENDED BY THE PUBLIC HEALTH TASK FORCE 2004, AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, referred to the **Education/Higher Education Committee** on March 23.

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 **Health Care 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 **Health Care Committee**.

CALENDAR *(continued)*

S.B. 116, A BILL TO BE ENTITLED AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS PLANT OF THE STATE OF NORTH CAROLINA.

The bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives.

S.B. 128 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING OFFICIAL STATE DANCES.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives.

S.B. 644, A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER THE STATE PERSONNEL ACT.

Senator Hoyle offers Amendment No. 1 which is adopted (42-5), and changes the title to read **S.B. 644**, A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER THE COMPENSATION PROVISIONS OF THE STATE PERSONNEL ACT.

The bill, as amended, passes its second reading (40-6).

Senator Berger of Franklin objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, April 28, upon third reading.

The Senate recesses at 4:35 P.M. for the purpose of an Appropriations/Base Budget Committee meeting and a Rules and Operations of the Senate Committee meeting, to reconvene at 4:50 P.M.

April 27, 2005

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 Dalton for the **Appropriations/Base Budget Committee**:

S.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD PSEUDOEPHEDRINE, A CRITICAL INGREDIENT IN THE MANUFACTURE OF THE ILLEGAL DRUG METHAMPHETAMINE, TO SCHEDULE V OF THE CONTROLLED SUBSTANCES LIST; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUES RELATING TO THE ABUSE OF METHAMPHETAMINE; AND TO MAKE TECHNICAL CHANGES, with a favorable report.

Upon motion of Senator Dalton, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.B. 616, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35218, which changes the title to read **S.B. 616** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK, is adopted and engrossed.

Upon motion of Senator Rand the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

S.B. 616 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 969, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING WORKERS' COMPENSATION, referred to the **Rules and Operations of the Senate Committee** on March 24.

April 27, 2005

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Commerce Committee**.

S.B. 1112, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING WORKERS' COMPENSATION, referred to the **Rules and Operations of the Senate Committee** on March 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Commerce Committee**.

S.B. 1151, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT, referred to the **Rules and Operations of the Senate Committee** on March 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Commerce Committee**.

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

April 13, 2005

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

April 27, 2005

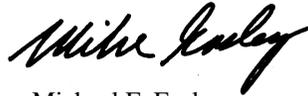
Dear Ms. Pruitt:

Pursuant to General Statute §62-10, I hereby reappoint The Honorable Robert V. Owens, Jr. to serve as a member of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. His term shall begin upon confirmation and will expire June 30, 2013.

Enclosed is biographical information on Commissioner Owens. Please feel free to call on him or members of my staff if you need additional information.

With kindest regards, I remain

Very truly yours,



Michael F. Easley

MFE:tlr
Enclosure

c: The Honorable Marc Basnight
The Honorable James Black
The Honorable Beverly Perdue
Ms. Denise Weeks

Referred to the **Commerce Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 387 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANY CONSTITUENT INSTITUTION FROM ASSIGNING A STUDENT'S SOCIAL SECURITY NUMBER AS THE STUDENT'S IDENTIFICATION NUMBER.

Referred to the **Education/Higher Education Committee**.

H.B. 676, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE OFFICE OF STATE BUDGET AND MANAGEMENT MUST APPROVE CERTAIN FEES RELATING TO GOVERNMENT E-COMMERCE IN CONSULTATION WITH THE STATE CHIEF INFORMATION OFFICER AND THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS.

Referred to the **Commerce Committee**.

H.B. 911 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM AND ADDITIONAL END-OF-COURSE TESTS EXCEPT AS REQUIRED BY FEDERAL LAW.

Referred to the **Education/Higher Education Committee**.

April 27, 2005

H.B. 946, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OSSIPPEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS TO SHOW CONFORMANCE WITH G.S. 136-41.2.

Referred to the **State & Local Government Committee**.

H.B. 962, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

Referred to the **State & Local Government Committee**.

H.B. 982, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND THE DISCHARGE OF HIGH-POWERED RIFLES FROM THE RIGHTS-OF-WAY OF PUBLIC ROADS IN VANCE COUNTY, AND TO INCREASE THE FINES FOR VIOLATIONS OF THE LAW REGULATING HUNTING ON REGISTERED LAND IN VANCE COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 987 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CRAMERTON AND GRIFTON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWN'S WEEDED LOT ORDINANCE.

Referred to the **State & Local Government Committee**.

H.B. 1012, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF STATE-RECOGNIZED INDIAN TRIBES TO HUNT, TRAP, OR FISH ON TRIBAL LANDS WITHOUT OBTAINING A LICENSE ISSUED BY THE WILDLIFE RESOURCES COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1021, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF NORTHAMPTON COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 1054, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS THAT ARE A PARTY TO THE SWIFT CREEK MANAGEMENT PLAN AND CERTAIN CITIZENS OF THOSE LOCAL GOVERNMENTS HAVE STANDING TO ENFORCE THE PROVISIONS OF S.L. 1998-192.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1145 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROBATION IS STAYED DURING AN APPEAL FOR A TRIAL DE NOVO FROM A JUDGMENT ENTERED BY A MAGISTRATE OR DISTRICT COURT JUDGE.

Referred to the **Judiciary II Committee**.

April 27, 2005

CALENDAR *(continued)*

S.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD PSEUDOEPHEDRINE, A CRITICAL INGREDIENT IN THE MANUFACTURE OF THE ILLEGAL DRUG METHAMPHETAMINE, TO SCHEDULE V OF THE CONTROLLED SUBSTANCES LIST; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUES RELATING TO THE ABUSE OF METHAMPHETAMINE; AND TO MAKE TECHNICAL CHANGES, placed earlier on today's Calendar.

Senator Webster offers a motion to adjourn, seconded by Senator Berger of Rockingham. A division is called on the adjournment motion.

The motion to adjourn fails (21-26).

Upon motion of Senator Rand, the Committee Substitute bill is temporarily displaced.

RECONSIDERATION

S.B. 616 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Committee Substitute bill passed its third reading earlier today be reconsidered, which motion prevails (47-0).

The question before the Senate is the passage of the Committee Substitute bill for S.B. 616 on its third reading.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and re-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. 1061 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

H.B. 1061 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor by special message.

April 27, 2005

S.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD PSEUDOEPHEDRINE, A CRITICAL INGREDIENT IN THE MANUFACTURE OF THE ILLEGAL DRUG METHAMPHETAMINE, TO SCHEDULE V OF THE CONTROLLED SUBSTANCES LIST; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUES RELATING TO THE ABUSE OF METHAMPHETAMINE; AND TO MAKE TECHNICAL CHANGES, temporarily displaced earlier.

The Committee Substitute bill passes its second reading (45-2).

Senator Dalton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, April 28, upon third reading.

ADDITIONAL SPONSORS

Senator Berger of Rockingham, Senator Blake and Senator Webster request to be added as a sponsor of previously introduced legislation:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Upon motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns at 5:29 P.M. to meet tomorrow, April 28, at 12:00 Noon.

FIFTY-FOURTH DAY

Senate Chamber
Thursday, April 28, 2005

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 Neil Dunnivant, First Presbyterian Church, Greensboro, North Carolina as follows:

"Eternal and Majestic Creator, we come before you, each one of us unique, each worlds unto ourselves, each one of us with high hopes and heavy regrets, each one of us with petitions and praises no other will ever utter. Yet, O God, we are united in our humanity, which includes our exaltations and our deprivations. We are united in our citizenship. We are united as leaders in the State of North Carolina, the United States of America, and the world.

April 28, 2005

"If we are weary, strengthen us. If we are proud, humble us. If we are perplexed enlighten us. If we are torn up inside, heal us. If we are lost in meaningless activities, redirect us with thy purpose. If we are discouraged by our failures, give us hope and persistence. If we are mean and insensitive and stubborn, teach us gentleness. If we have sinned, teach us how to repent. If we have been sinned against, teach us how to forgive. Whatever our wilderness may be, lead us to the promised land. Whatever trial we have entered, help us to act with courage and unhesitating faith. Lord, whatever task you have called us to, may we be given a steadfast purpose, to both seek and approximate your wisdom and truth, justice and mercy, walking before you in faithfulness, righteousness, and uprightness of heart. Give these your servants understanding minds to govern your people turning each and every day toward your great counsel. Amen."

The Chair grants leaves of absence for today to Senator Dannelly, Senator Garwood, Senator Graham, Senator Holloman, Senator Jacumin and Senator Smith.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, April 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Eric W. Mason from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Angela Richardson from Henderson, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 508, A BILL TO BE ENTITLED AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE DIVORCE WAS GRANTED, with a favorable report.

S.B. 679, A BILL TO BE ENTITLED AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85237, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES.

April 28, 2005

Upon motion of Senator Purcell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 4.

S.B. 335 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 2.

WITHDRAWAL FROM COMMITTEE

H.B. 1054, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS THAT ARE A PARTY TO THE SWIFT CREEK MANAGEMENT PLAN AND CERTAIN CITIZENS OF THOSE LOCAL GOVERNMENTS HAVE STANDING TO ENFORCE THE PROVISIONS OF S.L. 1998-192, referred to the **Agriculture/Environment/Natural Resources Committee** on April 27.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-refers the measure to the **Judiciary I Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Snow:

S.J.R. 1171, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM HOLLAND THOMAS, FORMER MEMBER OF THE GENERAL ASSEMBLY, ON THE 200TH ANNIVERSARY OF HIS BIRTH.

The joint resolution is placed on the Calendar for Monday, May 2.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee**:

S.B. 821, A BILL TO BE ENTITLED AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85240, is adopted and engrossed.

April 28, 2005

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 936, A BILL TO BE ENTITLED AN ACT EXEMPTING APPLICANTS FOR CERTIFICATES FOR RENEWABLE ENERGY FACILITIES FROM CERTAIN NOTICE REQUIREMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15234, which changes the title to read **S.B. 936** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC NOTIFICATION REQUIREMENTS PERTAINING TO AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR A SMALL SOLAR PHOTOVOLTAIC OR BIOMASS FACILITY, is adopted and engrossed.

S.B. 1134, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO (1) DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, (2) DEVELOP A RECOMMENDED GLOBAL WARMING POLLUTANT REDUCTION GOAL, AND (3) RECOMMEND A PROCESS FOR THE DEVELOPMENT OF A STATE CLIMATE ACTION PLAN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15235, which changes the title to read **S.B. 1134** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, TO DETERMINE WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO DEVELOP A RECOMMENDED GOAL, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is referred to the **Rules and Operations of the Senate Committee**.

By Senator Soles for the **Commerce Committee**:

S.B. 445, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS OF AT LEAST TEN PERCENT FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES, with a favorable report.

S.B. 603, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN BUILDING SUPPLIES AND EQUIPMENT FROM THE LIGHT-DUTY ROAD WEIGHT LIMITATIONS, with a favorable report.

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S.B. 615, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS OF THE STATE, with a favorable report.

S.B. 884, A BILL TO BE ENTITLED AN ACT RECOGNIZING THE SEAGROVE AREA AS THE BIRTHPLACE OF NORTH CAROLINA TRADITIONAL POTTERY, with a favorable report.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 586, AN ACT TO AUTHORIZE THE ADDITION OF NEW STATE PARKS AT CARVERS CREEK AND IN THE HICKORY NUT GORGE/ CHIMNEY ROCK AREA TO THE STATE PARKS SYSTEM.

H.B. 1061, AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 43, AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE. (Became law upon ratification, April 27, 2005 - S.L. 2005-17.)

CALENDAR *(continued)*

S.B. 62 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF GIBSON TO EXTEND THE TOWN COMMISSIONERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

H.B. 963, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF MATTHEWS.

The bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 973, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE.

The bill passes its second (44-0) and third readings and is ordered enrolled.

S.B. 226 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER

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TO COUNT MAILED ABSENTEE VOTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES FRANCES AND IVAN.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 763 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 862, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF KOREA AND VIETNAM.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

H.B. 707, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES.

The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 644, A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER THE STATE PERSONNEL ACT, as amended on April 27.

The bill, as amended, passes its third reading (38-6) and is ordered engrossed and sent to the House of Representatives.

S.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD PSEUDOEPHEDRINE, A CRITICAL INGREDIENT IN THE MANUFACTURE OF THE ILLEGAL DRUG METHAMPHETAMINE, TO SCHEDULE V OF THE CONTROLLED SUBSTANCES LIST; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUES RELATING TO THE ABUSE OF METHAMPHETAMINE; AND TO MAKE TECHNICAL CHANGES.

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Senator Webster offers Amendment No. 1.

Senator Dalton offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1.

Amendment No. 2 is adopted (39-5).

The Committee Substitute bill, as amended, passes its third reading (41-3) and is ordered engrossed and sent to the House of Representatives.

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns at 12:49 P.M. to meet Monday, May 2, at 7:00 P.M.

FIFTY-FIFTH DAY

Senate Chamber
Monday, May 2, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Oh God, we are offered choices as we begin the journey of this week. We can choose instruction or remain in ignorance. We can pursue light or remain in darkness. We can listen and learn or speak too much and be unknowing. As your people, we have committed to follow you and walk in the path of rightness. Equip us, enable us, and empower us in all that we seek to do. For your sake we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Allran and Senator Hartsell.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, April 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Penny J. Hamilton from Wake Forest, North Carolina, who is serving the Senate as Doctor of the Day, and to Ruth Storms from Whiteville, 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 Clodfelter for the **Judiciary I Committee**:

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S.B. 734, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 4 OF CHAPTER 45 RELATING TO THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55217, is adopted and engrossed.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 707, AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 963, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF MATTHEWS.

H.B. 973, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE.

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. 1061, AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK. (Became law upon approval of the Governor, April 28, 2005 - S.L. 200-18.)

H.B. 239, AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL HEALTH DEPARTMENTS AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED. (Became law upon approval of the Governor, April 28, 2005 - S.L. 2005-19.)

H.B. 752, AN ACT TO EXEMPT FROM THE UMSTEAD ACT THE SALE BY NORTH CAROLINA STATE UNIVERSITY OF PRODUCTS PRODUCED BY THE DAIRY AND PROCESS APPLICATION LABORATORY. (Became law upon approval of the Governor, April 28, 2005 - S.L. 2005-20.)

S.B. 210, AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF

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FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE. (Became law upon approval of the Governor, April 28, 2005 - S.L. 2005-21.)

H.B. 496, AN ACT REQUIRING LOCAL SCHOOL BOARDS TO ADOPT POLICIES PERMITTING STUDENTS WITH ASTHMA OR STUDENTS SUBJECT TO ANAPHYLACTIC REACTIONS, OR BOTH, TO POSSESS AND SELF-ADMINISTER ASTHMA MEDICATION, AND TO RECODIFY CERTAIN STATUTES TO CREATE A NEW ARTICLE 26A IN CHAPTER 115C OF THE GENERAL STATUTES. (Became law upon approval of the Governor, April 28, 2005 - S.L. 2005-22.)

H.B. 45, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' ADULT PROTECTIVE SERVICES TASK FORCE TO COLLABORATE WITH OTHERS INTERESTED IN IMPROVING ADULT PROTECTIVE SERVICES AND REPORT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING. (Became law upon approval of the Governor, April 28, 2005 - S.L. 2005-23.)

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 445, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS OF AT LEAST TEN PERCENT FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES.

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, May 11.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 823, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA RATE BUREAU AND THE COMMISSIONER OF INSURANCE TO ADOPT RULES TO REQUIRE INSURANCE COMPANIES TO GIVE INSURANCE DISCOUNTS TO PERSONS WHO COMPLETE DRIVER SAFETY COURSES OR PROGRAMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55220, is adopted and engrossed.

S.B. 879, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR A BIDDING PREFERENCE ON STATE CONTRACTS FOR RESIDENT BIDDERS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE

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MAINTENANCE OF A RESIDENT BIDDER LIST, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85242, is adopted and engrossed.

S.B. 907, A BILL TO BE ENTITLED AN ACT REQUIRING THE SECRETARY OF ADMINISTRATION TO ADOPT RULES AND PROCEDURES TO CERTIFY UNDERUTILIZED AND MINORITY BUSINESSES AND TO MAINTAIN A DATABASE OF THE BUSINESSES CERTIFIED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85241, which changes the title to read **S.B. 907** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE SECRETARY OF ADMINISTRATION TO ADOPT RULES AND PROCEDURES TO CERTIFY HISTORICALLY UNDERUTILIZED BUSINESSES AND TO MAINTAIN A DATABASE OF THE BUSINESSES CERTIFIED, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 335 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE.

The Committee Substitute bill passes its second reading (44-4).

Senator Pittenger objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore*, orders the measure placed on the Calendar for tomorrow, May 3, upon third reading.

S.B. 679 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA.

Upon motion of Senator Hagan, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, May 3.

S.B. 603, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN BUILDING SUPPLIES AND EQUIPMENT FROM THE LIGHT-DUTY ROAD WEIGHT LIMITATIONS.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 491, A BILL TO BE ENTITLED AN ACT RELATING TO BURIAL SERVICES AT STATE VETERANS CEMETERIES, referred to the **Rules and Operations of the Senate Committee** on March 15.

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 & Local Government Committee**, which motion prevails with unanimous consent.

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The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Soles:

S.J.R. 1172, A JOINT RESOLUTION FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS TO THE UTILITIES COMMISSION.

Referred to the **Commerce Committee**.

CALENDAR *(continued)*

S.B. 615, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS OF THE STATE.

Upon motion of Senator Thomas, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, May 3.

S.B. 821 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 884, A BILL TO BE ENTITLED AN ACT RECOGNIZING THE SEAGROVE AREA AS THE BIRTHPLACE OF NORTH CAROLINA TRADITIONAL POTTERY.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 970, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING APPEALS OF QUASI-JUDICIAL DECISIONS MADE UNDER ARTICLE 19 OF CHAPTER 160A AND ARTICLE 18 OF CHAPTER 153A OF THE GENERAL STATUTES, referred to the **Judiciary II Committee** on March 24.

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**.

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H.B. 666 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS, referred to the **Judiciary II Committee** on April 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

CALENDAR *(continued)*

S.B. 936 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC NOTIFICATION REQUIREMENTS PERTAINING TO AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR A SMALL SOLAR PHOTOVOLTAIC OR BIOMASS FACILITY.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 972 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF RELIGIOUS WORSHIP.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1171, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM HOLLAND THOMAS, FORMER MEMBER OF THE GENERAL ASSEMBLY, ON THE 200TH ANNIVERSARY OF HIS BIRTH.

Upon motion of Senator Snow, the Senate joint resolution is read in its entirety and, upon motion of Senator Webster, the remarks of Senator Snow are spread upon the Journal, as follows:

Senator Snow:

“Thank you, Mr. President. This is a good opportunity for me to talk about someone who represented Western North Carolina in the Senate. He held the Senate seat here from 1848 through 1861 and during that period of time he worked for the protection of his Indian friends for economic development in the Mountains, social reforms, such as the establishment of the hospital for the mentally ill, and he voted for secession from the Union at the North Carolina Convention in 1861. What is really important about William Thomas, he was a great friend of the Indians. They nicknamed him ‘Little Will’ and if you’ll remember during the 1830’s, the Indians were moved out. The Federal troops moved into the area and moved the Indian group, the Cherokee, to Oklahoma. There was a substantial band of Indians that refused to go and hid out all over Western North Carolina. After everybody was gone and the pressure was off from the Federal people, these folks started to come back out and recognized Will Thomas as a friend. He advocated for them and finally went to Washington and won the right for them to hold the lands there in Western North Carolina. At that time, Indians couldn’t have the land in their names so he took it in his name so

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later on he could turn that land over to them. That became Quala Boundary for the Eastern Band of the Cherokee Indians. He was truly a friend to the Cherokees and, but for him, we would not have the Eastern Band of the Cherokee. He was a great, great man and I ask you to support this Resolution.”

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 508, A BILL TO BE ENTITLED AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE DIVORCE WAS GRANTED.

The bill passes its second reading (47-0).

Senator Horton objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore*, orders the measure placed on the Calendar for tomorrow, May 3, upon third reading.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Joshua Carswell, Raleigh; Lauren Elizabeth Fussell, Wallace; Ann Garrett Hughes, Wallace; Hannah Jessup, King; Thomas A. Kirkland, Wilson; Savannah G. Phillips, Sylva; Patrick Piche, Wake Forest; Sean D. Reeves, Raleigh; Luke Shawley, Waxhaw; Sarah Beth Smith, King; Timothy Paul Southerland, Waxhaw; Matthew Scott Stevens, Mt. Olive; and Gresham J. Worrell, Matthews.

Upon motion of Senator Dannelly, seconded by Senator Weinstein, the Senate adjourns subject to reading of messages from the House of Representatives and a message from the Governor, to meet tomorrow, May 3, at 3:30 P.M.

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:



**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301**

MICHAEL F. EASLEY
GOVERNOR

April 29, 2005

Ms. Janet Pruitt
Principal Clerk of the Senate

May 2, 2005

North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute §62-10, I hereby appoint Dr. Robert Koger to serve as a member of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. His term shall begin upon confirmation and will expire June 30, 2013.

Enclosed is biographical information on Dr. Koger. Please feel free to call on him or members of my staff if you need additional information.

With kindest regards, I remain

Very truly yours,



Michael F. Easley

MFE:tlr
Enclosure

c: The Honorable Marc Basnight
The Honorable James Black
The Honorable Beverly Perdue
Ms. Denise Weeks

Referred to the **Commerce Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 447 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CREDITABLE SERVICE FOR LAW ENFORCEMENT OFFICERS IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL INCLUDE PERIODS OF EMPLOYER-APPROVED LEAVES OF ABSENCE WHEN IN RECEIPT OF WORKERS' COMPENSATION BENEFITS AS A RESULT OF CERTAIN INJURIES INCURRED IN THE LINE OF DUTY.

Referred to the **Pensions & Retirement and Aging Committee** and upon a favorable report re-referred to **Appropriations/Base Budget Committee**.

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H.B. 580 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

H.B. 581, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS.

Referred to the **Finance Committee**.

H.B. 654 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES.

Referred to the **Commerce Committee**.

H.B. 655 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; AND REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT.

Referred to the **Commerce Committee**.

H.B. 737 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED, LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS FOR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO FIVE; ALLOW PERSONS RETROACTIVELY

ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; AND AMEND THE UTILIZATION REVIEW LAWS TO CLARIFY THAT SUCH LAWS PLAINLY APPLY TO INDIVIDUAL INSURANCE COVERAGE AS WELL AS GROUP COVERAGE.

Referred to the **Commerce Committee**.

H.B. 803 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO CHARGE AND COLLECT A LATE FILING FEE FOR LICENSEES THAT APPLY FOR RENEWAL OF THE LICENSE AFTER THE LICENSE HAS EXPIRED AND TO ELIMINATE SUPPLEMENTAL LICENSING BY THE MANUFACTURED HOUSING BOARD.

Referred to the **Finance Committee**.

H.B. 810, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT.

Referred to the **Commerce Committee**.

H.B. 819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY.

Referred to the **Finance Committee**.

H.B. 836 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO STUDENTS.

Referred to the **Education/Higher Education Committee**.

H.B. 914 (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.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 1015, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION.

Referred to the **Judiciary II Committee**.

H.B. 1052, A BILL TO BE ENTITLED AN ACT TO PERMIT TRASH TRUCKS WHILE COLLECTING GARBAGE TO STOP ON THE PAVEMENT

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OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS IN BRUNSWICK COUNTY.
Referred to the **State & Local Government Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 8:02 P.M.

FIFTY-SIXTH DAY

Senate Chamber
Tuesday, May 3, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"On days when we find it difficult to engage you in prayer, O God, give us pause to look up through the skylights and the windows of this building and remember the Psalmist words, 'The heavens declare the Glory of God.'

"Something about who you are is woven into the fabric of a beautiful day. There is something deep within us that recognizes your 'no' and your 'yes,' what is wrong and what is right to do. Thank you for that wonderful communication through creation. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, May 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 privileges of the floor to Dr. John F. Reilly, Jr. from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Fran Cirello from Lawndale, 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. 963, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF MATTHEWS.
(Became law upon ratification, May 2, 2005 - S.L. 2005-24.)

H.B. 973, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF JACKSONVILLE.
(Became law upon ratification, May 2, 2005 - S.L. 2005-25.)

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 208, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA OCCUPATIONAL THERAPY PRACTICE ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE CEILING ON ITS 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 55218, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 748, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURE FOR IMPLEMENTING AN ORDER FOR ELECTRONIC SURVEILLANCE, TO PROVIDE THAT IN CERTAIN CIRCUMSTANCES IT IS NOT NECESSARY TO IDENTIFY THE PLACE WHERE THE COMMUNICATION WILL BE INTERCEPTED BY ELECTRONIC SURVEILLANCE, AND ALSO TO PROVIDE THE TIME FRAME WITHIN WHICH THE ELECTRONIC SURVEILLANCE IN AN UNDISCLOSED LOCATION MAY BEGIN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75303, is adopted and engrossed.

S.B. 893, A BILL TO BE ENTITLED AN ACT PERTAINING TO SUBROGATION RIGHTS OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15238, is adopted and engrossed.

S.B. 1070, A BILL TO BE ENTITLED AN ACT TO BALANCE FAIR SENTENCING AND STRUCTURED SENTENCING AND TO KEEP INMATES WHO POSE GREAT RISKS TO SOCIETY IN THE PRISONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55219, is adopted and engrossed.

S.B. 1118, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATE'S DUTY WHEN A CIVIL ACTION IS BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER OR A STATE EMPLOYEE, THE ATTORNEY GENERAL REFUSES TO DEFEND THE OFFICER OR

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EMPLOYEE ON THE GROUNDS THAT THE OFFICER OR EMPLOYEE DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINES THAT THE OFFICER OR EMPLOYEE DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55222, which changes the title to read **S.B. 1118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT CERTAIN CLAIMS UNDER THE TORT CLAIMS ACT WHEN THE STATE REFUSED TO DEFEND A CIVIL ACTION BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER ON THE GROUNDS THAT THE OFFICER DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINED THAT THE OFFICER DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, is adopted and engrossed.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 335 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE.

Senator Pittenger offers Amendment No. 1, which fails of adoption (22-26).

Having voted with the majority, Senator Rand offers a motion that the vote by which Amendment No. 1 failed be reconsidered, which motion prevails (48-0).

The question before the body becomes the adoption of Amendment No. 1.

Upon motion of Senator Rand, the Senate Committee Substitute bill with Amendment No.1 pending is withdrawn from today's Calendar and is re-referred to the **State & Local Government Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 989, A JOINT RESOLUTION HONORING THE FOUNDERS OF HUDSON ON THE TOWN'S 100TH ANNIVERSARY.

Upon motion of Senator Jacumin, 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 Berger of Rockingham, the remarks of the members are spread upon the Journal, as follows:

Senator Jacumin:

“Thank you, Madame President. Senators, I’ve been to two goat ropings and hog callings and I haven’t seen anything to beat the activities that this little town has going for them. It’s just outstanding. It would take most towns ten years to

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do what they are doing this year. Hudson is like a young man; they don't know that you can't do something. We might take that same advice sometimes in our older ages! They've got a Walk of the Cross there and on Easter each year other communities from around them will come and join them and it's just quite an occasion on that day. They value their heritage. Hudson supplies recreation for all the communities around them although they are not part of that town. When I think about Hudson, I think of a good-neighbors town. I would certainly appreciate your support of this resolution."

The House Joint Resolution passes its second (45-0) and third readings and is ordered enrolled.

Upon motion of Senator Jacumin the President extends the courtesies of the gallery to Carl Wagner, Mayor Pro-Tem of the Town of Hudson; Lucy Wagner, wife of Carl Wagner; Janet Winkler, Town Commissioner; Ann Smith, Commissioner; Rebecca M. Bentley, Town Manager; Tamra Swanson, Town Clerk; Jerry and Barbara Robertson, Centennial Committee Members.

CALENDAR *(continued)*

S.B. 615, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS OF THE STATE.

Upon motion of Senator Thomas, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 9.

S.B. 679 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA.

Upon motion of Senator Hagan, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 9.

S.B. 734 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 4 OF CHAPTER 45 RELATING TO THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 823 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA RATE BUREAU AND THE COMMISSIONER OF INSURANCE TO ADOPT RULES TO REQUIRE INSURANCE COMPANIES TO GIVE INSURANCE DISCOUNTS TO PERSONS WHO COMPLETE DRIVER SAFETY COURSES OR PROGRAMS.

Upon motion of Senator Jenkins, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

S.B. 879 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOR A BIDDING PREFERENCE ON STATE CONTRACTS FOR

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RESIDENT BIDDERS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE MAINTENANCE OF A RESIDENT BIDDER LIST.

Upon motion of Senator Garrou, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 10.

S.B. 907 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE SECRETARY OF ADMINISTRATION TO ADOPT RULES AND PROCEDURES TO CERTIFY HISTORICALLY UNDERUTILIZED BUSINESSES AND TO MAINTAIN A DATABASE OF THE BUSINESSES CERTIFIED.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives.

H.B. 508, A BILL TO BE ENTITLED AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE DIVORCE WAS GRANTED.

The bill passes its third reading (49-0) and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 783, A BILL TO BE ENTITLED AN ACT REQUIRING THAT DATA AGGREGATORS AND OTHER BUSINESSES IMMEDIATELY NOTIFY INDIVIDUALS OF UNAUTHORIZED OR FRAUDULENT ACCESS TO PERSONAL INFORMATION FOLLOWING INFORMATION SECURITY BREACHES, referred to the **Commerce Committee** on March 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Judiciary I Committee**.

The Senate recesses at 4:15 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 5:30 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.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee**:

S.B. 622, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE

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DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, with amendments attached.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 20503, with committee amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, and No. 8, is adopted and engrossed.

Upon motion of Senator Garrou, the Committee Substitute bill is re-referred to the **Finance Committee**.

The Senate recesses at 7:00 P.M. for the purpose of a Finance Committee meeting to reconvene at 7:20 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.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 622 (Committee Substitute with Appropriation/Base Budget amendments), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendments No. 9 and No. 10 are adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 175, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on February 21.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

Upon motion of Senator Dannelly, seconded by Senator Smith, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet tomorrow, May 4, at 3:00 P.M.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 3, 2005

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. 489**, A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, and requests conferees.

Speaker Black has appointed:

Representative Weiss, Chair
Representative Wright,
Representative McComas,
Representative Hackney, and
Representative Dollar

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF WINSTON-SALEM TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY OF WINSTON-SALEM.

Referred to the **Finance Committee**.

H.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY.

Referred to the **Finance Committee**.

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H.B. 691 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARRBORO TO LEVY A MOTOR VEHICLE TAX NOT TO EXCEED TWENTY-FIVE DOLLARS.

Referred to the **Finance Committee**.

H.B. 771 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE PROHIBITION AGAINST CERTAIN SPOUSES OF MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, MEMBERS OF THE BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION, OR MEMBERS OF THE STATE BOARD OF COMMUNITY COLLEGES FROM BEING EMPLOYEES OR OFFICERS OF THE STATE.

Referred to the **Education/Higher Education Committee**.

H.B. 1037 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WRIGHTSVILLE BEACH TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWN AND TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO ESTABLISH A SCHEDULE OF DISCOUNTS TO BE APPLIED TO MOTOR VEHICLE TAXES PAID PRIOR TO JULY 1.

Referred to the **Finance Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

S.B. 622 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with an unfavorable report as to Committee Substitute bill No. 1, as amended by the Appropriations/Base Budget Committee and the Finance Committee, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 35221, is adopted and engrossed.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 9:55 P.M.

May 3, 2005

FIFTY-SEVENTH DAY

Senate Chamber
Wednesday, May 4, 2005

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 Ralph Sproles (Retired), Poplar Springs Church of Christ, King, North Carolina as follows:

"Father we acknowledge you as the creator of all things. All things have been made by you and without you has not anything been made that was made. Lord, we also realize that every good and every perfect gift that we have has come from you and so we are honored that you'll let us call you Father, even though often, Lord, we have been rebellious children. We have disregarded and often even displaced your holy commandments that came from Mount Sinai which have been that moral code for civilization from that day until now, even the foundation upon which our great land was founded. Please forgive us. We know you will because you love us when we are not lovable and you forgive us when we do not deserve to be forgiven. You call that grace and, Lord, we need it. We thank you that you refer to us in the most enduring terms when you called us 'your friends.' We haven't always been faithful friends. Sometimes we have chosen the friendship of power, the friendship of prestige, the friendship of materialism, and the friendship of selfishness over our friendship with you. Please forgive us and because of your faithfulness and unchanging ways we know that you will. You still cause that sun to come up every morning. You still let the moon and the stars shine at night. We know that you will still keep your word when you promised us that if your people who are called by name would humble themselves and pray and seek your face and turn from their wicked ways, then you would hear from heaven. You would forgive our sins and you would heal our land. Lord, we know that you will keep your promise if we will only honor you. I pray right now Father for our National leaders. Please give them strength and wisdom to lead this great land of ours. We pray for our troops, Father, who serve this country with pride and with commitment and a brought hope and freedom to troubled nations. We pray for the leaders of our State and especially right now, Lord, I pray for the people in this room who have been elected to make decisions that affect all of the citizens of the great Old North State. Please give them the courage to fulfill their responsibilities with integrity. I ask this prayer, Lord, in the powerful and sweet name that is above every other name, the name of Jesus, Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, May 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Melanie P. Walker from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Renee Payne from High Point, North Carolina, who is serving the Senate as Nurse of the Day.

May 4, 2005

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 508, AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE DIVORCE WAS GRANTED.

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. 989, A JOINT RESOLUTION HONORING THE FOUNDERS OF HUDSON ON THE TOWN'S 100TH ANNIVERSARY. (Res. 27)

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 586, AN ACT TO AUTHORIZE THE ADDITION OF NEW STATE PARKS AT CARVERS CREEK AND IN THE HICKORY NUT GORGE/CHIMNEY ROCK AREA TO THE STATE PARKS SYSTEM. (Became law upon approval of the Governor, May 4, 2005 - S.L. 2005-26.)

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee**:

S.B. 510, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT, with a favorable report.

S.B. 725, A BILL TO BE ENTITLED AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75305, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Bingham for the **Health Care Committee**:

S.B. 804, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING AN ACCREDITATION SYSTEM FOR LOCAL HEALTH DEPARTMENTS, AS RECOMMENDED

May 4, 2005

BY THE PUBLIC HEALTH TASK FORCE 2004, AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, with a favorable report.

H.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE ABUSED, with a favorable report.

H.B. 780 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCESS BY WHICH THE NEED-BASED SCHOLARSHIP LOAN FUND IS ADMINISTERED, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 671, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, 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 55221, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES.

Upon motion of Senator Purcell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 10.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Holloman for the **State & Local Government Committee**:

H.B. 798, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REGULATING FOX HUNTING IN HARNETT COUNTY, with a favorable report.

H.B. 807 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FARMVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, with a favorable report.

H.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO ALLOW

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THE CITY TO IMPOSE CERTAIN RESTRICTIONS ON PERSONS SOLICITING ON STATE HIGHWAYS AND STREETS, with a favorable report.

H.B. 908 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONE OF THE FIFTEEN MEMBERS OF THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION MAY BE FROM A WATER OR SEWER MUNICIPAL UTILITY RATHER THAN AN AUTHORITY AND TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY WHOSE DISTRICTS INCLUDE ANY PART OF THE NORTH CAROLINA PORTION OF THE ROANOKE RIVER BASIN MAY SERVE AS LEGISLATIVE MEMBERS OF THE ROANOKE RIVER BASIN BI-STATE COMMISSION, with a favorable report.

H.B. 982, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND THE DISCHARGE OF HIGH-POWERED RIFLES FROM THE RIGHTS-OF-WAY OF PUBLIC ROADS IN VANCE COUNTY, AND TO INCREASE THE FINES FOR VIOLATIONS OF THE LAW REGULATING HUNTING ON REGISTERED LAND IN VANCE COUNTY, with a favorable report.

H.B. 997, A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF DAVIE COUNTY AS TO AN EMERGENCY MEDICAL SERVICES STATION, with a favorable report.

H.B. 1021, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF NORTHAMPTON COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY, with a favorable report.

H.B. 946, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OSS�PEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS TO SHOW CONFORMANCE WITH G.S. 136-41.2, 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 60410, which changes the title to read **H.B. 946** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OSS�PEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS AND TO ALLOW THE TOWN OF MILLS RIVER TO AMEND ITS BUDGET ORDINANCE FOR THE 2003-2004 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 622 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, upon second reading.

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Senator Garrou offers Amendment No. 1 which is adopted (43-7).

Senator Berger of Rockingham offers Amendment No. 2.

Senator Rand offers a motion that Amendment No. 2 lie upon the table, seconded by Senator Dalton, which motion prevails (29-21). Amendment No. 2 is tabled.

Senator Hunt offers Amendment No. 3.

Senator Rand calls the previous question on the adoption of Amendment No. 3, seconded by Senator Dalton, which motion prevails (34-15).

Amendment No. 3 is adopted (49-0).

Senator Pittenger offers Amendment No. 4.

Senator Pittenger calls the previous question on the adoption of Amendment No. 4, seconded by Senator Berger of Rockingham, which motion fails (21-29).

Senator Rand offers a motion that Amendment No. 4 lie upon the table, seconded by Senator Dalton, which motion prevails (29-21). Amendment No. 4 is tabled.

Senator Smith offers Amendment No. 5.

Senator Smith calls the previous question on the adoption of Amendment No. 5, seconded by Senator Berger of Rockingham, which motion fails (23-27).

Senator Rand offers Amendment No. 6 as a Substitute Amendment for Amendment No. 5.

Amendment No. 6 is adopted (49-1).

Senator Garrou offers Amendment No. 7.

Senator Garrou calls the previous question on the adoption of Amendment No. 7 through the passage of the bill, seconded by Senator Dalton, which motion prevails (29-21).

Amendment No. 7 is adopted (47-3).

The Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 29, noes 21, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Hoyle, Jenkins, Kerr, Kinnaid, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Swindell, Thomas and Weinstein—29.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Horton, Hunt, Jacumin, Pittenger, Presnell, Smith, Stevens, Tillman and Webster—21.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for tomorrow, May 5, upon third reading.

S.B. 748 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURE FOR IMPLEMENTING AN ORDER FOR ELECTRONIC SURVEILLANCE, TO PROVIDE THAT IN CERTAIN CIRCUMSTANCES IT IS NOT NECESSARY TO IDENTIFY THE PLACE WHERE THE COMMUNICATION WILL BE INTERCEPTED BY ELECTRONIC SURVEILLANCE, AND ALSO TO PROVIDE THE TIME FRAME WITHIN WHICH THE ELECTRONIC SURVEILLANCE IN AN UNDISCLOSED LOCATION MAY BEGIN.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 893 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO SUBROGATION RIGHTS OF THE TEACHERS' AND

STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1070 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BALANCE FAIR SENTENCING AND STRUCTURED SENTENCING AND TO KEEP INMATES WHO POSE GREAT RISKS TO SOCIETY IN THE PRISONS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

S.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT CERTAIN CLAIMS UNDER THE TORT CLAIMS ACT WHEN THE STATE REFUSED TO DEFEND A CIVIL ACTION BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER ON THE GROUNDS THAT THE OFFICER DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINED THAT THE OFFICER DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY AND THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, for concurrence in House Amendments No. 1 and No. 2, which change the title upon concurrence.

The Committee Substitute bill is placed on the Calendar for tomorrow, May 5, for concurrence in the House Amendments.

INTRODUCTION OF BILLS AND RESOLUTIONS

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Jacumin:

S.J.R. 1173, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY GARDNER "RED" GIBSON, PATRIOT AND WORLD WAR II VETERAN.

Referred to the **Rules and Operations of the Senate Committee**.

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WITHDRAWAL FROM COMMITTEE

S.B. 921, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY CONSUMER CREDIT REPORTING AGENCY TO, UPON THE WRITTEN REQUEST OF A CONSUMER, PLACE A SECURITY FREEZE THAT PROHIBITS THE AGENCY FROM PROVIDING A CONSUMER'S CREDIT REPORT TO A THIRD PARTY, referred to the **Commerce Committee** on March 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Judiciary I Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 489 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY VARIOUS COUNTIES AND MUNICIPALITIES.

Pursuant to the message from the House of Representatives received on May 3 that the House fails to concur in the Senate Committee Substitute bill for HB 489 and requests conferees, Senator Dannelly announces the appointment of Senator Clodfelter, Chair; Senator Atwater; Senator Boseman; Senator Hartsell 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 Rand, the Senate adjourns at 7:24 P.M. to meet tomorrow, May 5, at 9:30 A.M.

FIFTY-EIGHTH DAY

Senate Chamber
Thursday, May 5, 2005

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 Al Lewis, Executive Director of Covenant Prison Ministries, Inc., Monroe, North Carolina as follows:

"Heavenly Father, I pray that you will cleanse our hearts of the apathy that is dissolving the moral fiber of this great land. In a time when we more often think of ourselves more than others, please open our eyes and our hearts to those who

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are less fortunate. We pray that you would replace the thirst for material worth with a thirst for service and respect toward our fellowman. I pray for our elected officials that they may be strong in faith and leadership. I pray that you will guide them in their daily duties and protect them as they strive to return this Country to the path of strong moral principles and unwavering family values. Help them do their duty, bringing honor to You as they serve their State most graciously. Heavenly Father, I pray that this Country will never forsake the immortal truth that in God we trust. Please continue to bless America and this Senate. In your Son's name, Jesus Christ, Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, May 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Lisa W. H. Thompson from Apex, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 399, AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS.

H.B. 699, AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 462, AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED MEASURING DURING A PILOT PROGRAM IN DESIGNATED CORRIDORS.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 798, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REGULATING FOX HUNTING IN HARNETT COUNTY.

The bill passes its second (49-0) and third readings and is ordered enrolled.

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H.B. 807 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FARMVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled.

H.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO ALLOW THE CITY TO IMPOSE CERTAIN RESTRICTIONS ON PERSONS SOLICITING ON STATE HIGHWAYS AND STREETS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled.

H.B. 946 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OSS�PEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS AND TO ALLOW THE TOWN OF MILLS RIVER TO AMEND ITS BUDGET ORDINANCE FOR THE 2003-2004 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 982, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND THE DISCHARGE OF HIGH-POWERED RIFLES FROM THE RIGHTS-OF-WAY OF PUBLIC ROADS IN VANCE COUNTY, AND TO INCREASE THE FINES FOR VIOLATIONS OF THE LAW REGULATING HUNTING ON REGISTERED LAND IN VANCE COUNTY.

The bill passes its second (49-0) and third readings and is ordered enrolled.

H.B. 997, A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF DAVIE COUNTY AS TO AN EMERGENCY MEDICAL SERVICES STATION.

The bill passes its second (49-0) and third readings and is ordered enrolled.

H.B. 1021, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF NORTHAMPTON COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

The bill passes its second (49-0) and third readings and is ordered enrolled.

S.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY AND THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, for concurrence in House Amendments No. 1 and No. 2.

Upon motion of Senator Kerr, the Senate fails to concur in House Amendments No. 1 and No. 2 (0-49).

Senator Kerr offers a motion that the Senate appoint conferees, which motion prevails.

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WITHDRAWAL FROM COMMITTEE

S.B. 249, A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 1.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

The Senate recesses at 10:03 A.M. to reconvene at 10:15 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Hoyle.

CALENDAR *(continued)*

S.B. 622 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, as amended upon second reading, upon third reading.

Senator Bingham announces a pair vote. If Senator Hoyle were present, he would vote "aye"; Senator Bingham votes "no."

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 28, noes 20, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Swindell, Thomas and Weinstein—28.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Horton, Hunt, Jacumin, Pittenger, Presnell, Smith, Stevens, Tillman and Webster—20.

The Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 510, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT.

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The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 804, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING AN ACCREDITATION SYSTEM FOR LOCAL HEALTH DEPARTMENTS, AS RECOMMENDED BY THE PUBLIC HEALTH TASK FORCE 2004, AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE ABUSED.

The Committee Substitute bill passes its second reading (48-1).

Senator Purcell objects to third reading of the measure. Pursuant to Rule 50 and upon motion of Senator Rand, the President orders the measure placed on the Calendar for Wednesday, May 11, upon third reading.

H.B. 780 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCESS BY WHICH THE NEED-BASED SCHOLARSHIP LOAN FUND IS ADMINISTERED.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 908 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONE OF THE FIFTEEN MEMBERS OF THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION MAY BE FROM A WATER OR SEWER MUNICIPAL UTILITY RATHER THAN AN AUTHORITY AND TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY WHOSE DISTRICTS INCLUDE ANY PART OF THE NORTH CAROLINA PORTION OF THE ROANOKE RIVER BASIN MAY SERVE AS LEGISLATIVE MEMBERS OF THE ROANOKE RIVER BASIN BI-STATE COMMISSION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

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WITHDRAWAL FROM COMMITTEE

S.B. 888, A BILL TO BE ENTITLED AN ACT MAKING VARIOUS AMENDMENTS TO STATE PERSONNEL LAWS, referred to the **Appropriations/Base Budget Committee** on March 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

WITHDRAWAL FROM CALENDAR

S.B. 615, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS OF THE STATE.

Upon motion of Senator Rand, the bill is withdrawn from the Calendar for Monday, May 9, and is placed on the Calendar for Wednesday, May 11.

S.B. 679 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA.

Upon motion of Senator Rand, the bill is withdrawn from the Calendar for Monday, May 9, and is placed on the Calendar for Wednesday, May 11.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY AND THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

Pursuant to the Senate having failed to concur in House Amendments No. 1 and No. 2 earlier today and Senator Kerr's motion to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Kerr, Chair; Senator Dorsett and Senator Stevens as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Webster, the Senate adjourns in honor of all Mothers and subject to receipt of Conference Reports and Committee Reports, to meet Monday, May 9, at 7:00 P.M.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

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S.B. 665, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO CONTRACT DIRECTLY WITH PRIVATE VENDORS TO OPERATE THE COUNTY BILLING SYSTEM FOR MEDICAID CLAIMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65312, which changes the title to read **S.B. 665** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO CONTRACT DIRECTLY WITH PRIVATE VENDORS TO OPERATE THE COUNTY BILLING SYSTEM FOR MEDICAID CLAIMS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO INCREASE THEIR MEMBERSHIP, is adopted and engrossed. Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Wednesday, May 11.

S.B. 1059, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65313, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:02 P.M.

FIFTY-NINTH DAY

Senate Chamber
Monday, May 9, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, a church in the Western part of our State has brought some unwanted national attention upon itself over the issue of the separation of Church and State. By now we know the story and the controversy. Lest we be too sanctimonious, the reality is that we tread the same water in the Senate every day by opening each session in prayer. The difference is while I would never assume to speak for any member here, I unashamedly declare that you are neither non-partisan or bi-partisan. In fact, you are a very partisan God. You love each of us unconditionally. So let our personal and corporate prayers in the Senate reflect such a belief everyday. Amen."

May 9, 2005

The Chair grants leaves of absence for tonight to Senator Bingham, Senator Graham and Senator Weinstein.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, May 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Robert Morrell, Jr. from Cary, 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 AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 780, AN ACT TO MODIFY THE PROCESS BY WHICH THE NEED-BASED SCHOLARSHIP LOAN FUND IS ADMINISTERED.

H.B. 908, AN ACT TO PROVIDE THAT ONE OF THE FIFTEEN MEMBERS OF THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION MAY BE FROM A WATER OR SEWER MUNICIPAL UTILITY RATHER THAN AN AUTHORITY AND TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY WHOSE DISTRICTS INCLUDE ANY PART OF THE NORTH CAROLINA PORTION OF THE ROANOKE RIVER BASIN MAY SERVE AS LEGISLATIVE MEMBERS OF THE ROANOKE RIVER BASIN BI-STATE COMMISSION.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 798, AN ACT TO REPEAL THE LAW REGULATING FOX HUNTING IN HARNETT COUNTY.

H.B. 807, AN ACT AUTHORIZING THE TOWN OF FARMVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

H.B. 887, AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO ALLOW THE CITY TO IMPOSE CERTAIN RESTRICTIONS ON PERSONS SOLICITING ON STATE HIGHWAYS AND STREETS.

H.B. 982, AN ACT TO PROHIBIT HUNTING AND THE DISCHARGE OF HIGH-POWERED RIFLES FROM THE RIGHTS-OF-WAY OF PUBLIC ROADS IN VANCE COUNTY, AND TO INCREASE THE FINES FOR VIOLATIONS OF THE LAW REGULATING HUNTING ON REGISTERED LAND IN VANCE COUNTY.

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H.B. 997, AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF DAVIE COUNTY AS TO AN EMERGENCY MEDICAL SERVICES STATION.

H.B. 1021, AN ACT REQUIRING THE CONSENT OF NORTHAMPTON COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 462, AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED MEASURING DURING A PILOT PROGRAM IN DESIGNATED CORRIDORS. (Became law upon ratification, May 5, 2005 - S.L. 2005-27.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 5, 2005

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 Amendment to **H.B. 7**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO MAY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS, and requests conferees.

Speaker Pro Tempore Morgan has appointed:

Representative Saunders, Chair
Representative Carney, and
Representative Jones

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

May 9, 2005

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 5, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in House Amendments No. 1 and 2 to **S.B. 474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF GREENVILLE AND HIGH POINT TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, and requests conferees.

Speaker Pro Tempore Morgan appoints:

Representative Warren, Chair
Representative Tucker, and
Representative Coleman

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1604, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR WILLIAM HENRY GETTY "BIG BILL" FRANCE, FOUNDER OF THE NATIONAL ASSOCIATION FOR STOCK CAR AUTOMOBILE RACING, CELEBRATE THE NASCAR NEXTEL ALL-STAR CHALLENGE TROPHY TOUR AND THE 2005 NASCAR NEXTEL ALL-STAR CHALLENGE RACE, AND INVITE 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 and third readings and is ordered enrolled.

May 9, 2005

WITHDRAWAL FROM COMMITTEE

S.B. 1156, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 106 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO AGRICULTURE, referred to the **Rules and Operations of the Senate Committee** on March 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

S.B. 339, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF AHOSKIE, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the 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**.

WITHDRAWAL FROM CALENDAR

S.B. 189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES.

Upon motion of Senator Purcell, the Committee Substitute bill is withdrawn from the Calendar of Tuesday, May 10, and is placed on the Calendar for Wednesday, May 11.

S.B. 879 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOR A BIDDING PREFERENCE ON STATE CONTRACTS FOR RESIDENT BIDDERS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE MAINTENANCE OF A RESIDENT BIDDER LIST.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from the Calendar of Tuesday, May 10, and is placed on the Calendar for Wednesday, May 11.

ENROLLED BILLS AND RESOLUTIONS

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. 1604, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR WILLIAM HENRY GETTY "BIG BILL" FRANCE, FOUNDER OF THE

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NATIONAL ASSOCIATION FOR STOCK CAR AUTOMOBILE RACING, CELEBRATE THE NASCAR NEXTEL ALL-STAR CHALLENGE TROPHY TOUR AND THE 2005 NASCAR NEXTEL ALL-STAR CHALLENGE RACE, AND INVITE HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY.
(Res. 28)

Upon motion of Senator Dannelly, seconded by Senator Clodfelter, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, May 10, at 11:30 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Health Care Committee** and upon a favorable report re-referred to **Finance Committee**.

H.B. 116 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PRESENT-USE VALUE ELIGIBILITY, TO AMEND THE PERIOD FOR APPEAL OF A PRESENT-USE VALUE DETERMINATION OR APPRAISAL, TO MODIFY THE TAX YEAR FOR MOTOR VEHICLES THAT ARE TO BE SWITCHED FROM AN ANNUAL SYSTEM OF REGISTRATION TO A STAGGERED SYSTEM EFFECTIVE JANUARY 1, 2006, AND TO APPLY THE SAME PENALTY THAT CURRENTLY APPLIES TO PAYMENTS BY CHECK TO PROPERTY TAX PAYMENTS MADE BY ELECTRONIC PAYMENTS.

Referred to the **Finance Committee**.

H.B. 182, 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 **Pensions & Retirement and Aging Committee**.

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H.B. 392 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS.

Referred to the **Commerce Committee**.

H.B. 485 (Committee Substitute), 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.

Referred to the **Education/Higher Education Committee** and upon a favorable report re-referred to **Pensions & Retirement and Aging Committee**.

H.B. 646, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES TO ENHANCE EFFICIENT ADMINISTRATION OF FEE COLLECTION AND PROCESSING.

Referred to the **Finance Committee**.

H.B. 669 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES.

Referred to the **Commerce Committee**.

H.B. 733 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE.

Referred to the **Commerce Committee**.

H.B. 735 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANNUAL FILING AND ACTUARIAL CERTIFICATION OF RATES FOR INSURERS PROVIDING INDIVIDUAL ACCIDENT AND HEALTH INSURANCE BENEFITS AND TO BETTER PROTECT CONSUMERS FROM THE HARMFUL IMPACT OF BLOCKS OF BUSINESS BEING CLOSED.

Referred to the **Commerce Committee**.

H.B. 923 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING POSTSEPARATION SUPPORT.

Referred to the **Judiciary II Committee**.

H.B. 941, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO REMOVE ABANDONED AIRPLANES FROM PUBLIC PROPERTY.

Referred to the **State & Local Government Committee**.

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H.B. 988 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE HIGHWAY USE TAXES AS A FACTOR IN DETERMINING THE TRUE VALUE IN MONEY OF MOTOR VEHICLES FOR PROPERTY TAX PURPOSES.

Referred to the **Finance Committee**.

H.B. 1004 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL GOVERNMENTS TO PLEDGE AND ENCUMBER HOSPITAL FACILITIES AND EQUIPMENT IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT.

Referred to the **Finance Committee**.

H.B. 1078, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANGIER TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

Referred to the **State & Local Government Committee**.

H.B. 1117 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS.

Referred to the **Finance Committee**.

H.B. 1168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DECEPTIVE USE OF THE NAME OR LOGO OF A BANKING ENTITY WITHOUT PERMISSION IN THE MARKETING OF FINANCIAL PRODUCTS AND SERVICES.

Referred to the **Commerce Committee**.

H.B. 1169 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INVESTMENT OF STATE AND LOCAL FUNDS IN NORTH CAROLINA FINANCIAL INSTITUTIONS.

Referred to the **Finance Committee**.

H.B. 1174 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS REGARDING THE ISSUANCE AND REVOCATION OF PERMITS AT LOCATIONS THAT ARE OR BECOME UNSUITABLE TO HOLD ABC PERMITS.

Referred to the **Commerce Committee**.

H.B. 1194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE PHYSICAL THERAPY AS A PROFESSIONAL SERVICE UNDER THE PROFESSIONAL CORPORATION ACT, TO AUTHORIZE THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO DISCIPLINE PERSONS FOR PAYING FOR REFERRALS OF PHYSICAL THERAPY PATIENTS, AND TO PREVENT CORPORATE

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OR BUSINESS INTERESTS FROM INTERFERING WITH PROFESSIONAL PHYSICAL THERAPY JUDGMENTS CONCERNING THE BEST INTERESTS OF PATIENTS.

Referred to the **Rules and Operations of the Senate Committee.**

H.B. 1230 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OF THE STATE.

Referred to the **State & Local Government Committee.**

H.B. 1262, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA SOCIAL WORK CERTIFICATION AND LICENSURE BOARD TO EMPLOY PERSONNEL NECESSARY TO CARRY OUT THE PROVISIONS OF THE SOCIAL WORK CERTIFICATION AND LICENSURE ACT.

Referred to the **Mental Health & Youth Services Committee.**

H.B. 1297 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR ANY VOLUNTEER WHO SERVES IN A MEDICAL RESERVE CORPS UNIT OR ON A COMMUNITY EMERGENCY RESPONSE TEAM WHILE ENGAGED IN PROVIDING EMERGENCY SERVICES.

Referred to the **Judiciary I Committee.**

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 7:35 P.M.

SIXTIETH DAY

Senate Chamber
Tuesday, May 10, 2005

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:

"O God, from 'Thunder Road' and dirt tracks to 'Lowe's Motor Speedway,' the names of France, Petty, and 'Earnhardt' come to the minds of North Carolinians. Their names are yelled with enthusiasm above the thundering noise of racing engines. Today when the Legislative honors NASCAR, they recognize a sport that is as synonymous with North Carolina as college basketball and they honor people of this sport who have connected with our citizens like no other sports personalities. So today we pray with gratitude for what NASCAR Racing means to our State and ask your continued blessing on all their endeavors. Amen."

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The Chair grants a leave of absence for today to Senator East.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, May 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 privileges of the floor to Dr. John W. Rusher from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Kristin Houser from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 522, A BILL TO BE ENTITLED AN ACT TO EXTEND THE BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS, with a favorable report.

S.B. 974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 806, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT, MEDIATION IN DISTRICT COURT DOMESTIC CASES, AND THE REGULATION OF MEDIATORS, AS RECOMMENDED BY THE DISPUTE RESOLUTION COMMISSION, with a favorable report.

S.B. 774, A BILL TO BE ENTITLED AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75306, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 776, A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55225, is adopted and engrossed.

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By Senator Holloman for the **State & Local Government Committee**:

H.B. 1028, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY, 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 10305, which changes the title to read **H.B. 1028** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY AND AMENDING THE CHARTER OF THE TOWN OF CLAREMONT TO PROVIDE FOUR-YEAR TERMS FOR THE OFFICE OF MAYOR, is adopted and engrossed.

H.B. 231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER TO CLARIFY THAT THE CONTROLLER MAY CONDUCT COMPLIANCE REVIEWS OF STATE AGENCIES AND TO EXEMPT THE WORKING PAPERS FROM THOSE REVIEWS FROM THE PUBLIC RECORDS LAWS, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80350, is adopted and engrossed.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Basnight, President *Pro Tempore*, announces the establishment of the **Joint Select Committee on Council of State Contested Election** and announces the following appointments: Senator Clodfelter, Co-Chair; Senator Allran; Senator Hartsell; Senator Malone and Senator Soles.

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 **H.J.R. 1604**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR WILLIAM HENRY GETTY "BIG BILL" FRANCE, FOUNDER OF THE NATIONAL ASSOCIATION FOR STOCK CAR AUTOMOBILE RACING, CELEBRATE THE NASCAR NEXTEL ALL-STAR CHALLENGE TROPHY TOUR AND THE 2005 NASCAR NEXTEL ALL-STAR CHALLENGE RACE, AND INVITE HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 10, 2005

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 1604**, A JOINT RESOLUTION PROVIDING THAT THE 2005 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR WILLIAM HENRY GETTY "BIG BILL" FRANCE, FOUNDER OF THE NATIONAL ASSOCIATION FOR STOCK CAR AUTOMOBILE RACING, CELEBRATE THE NASCAR NEXTEL ALL-STAR CHALLENGE TROPHY TOUR AND THE 2005 NASCAR NEXTEL ALL-STAR CHALLENGE RACE, AND INVITE HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, the House stands ready to join your Honorable Body in Joint Session.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 198, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MILTON F. FITCH, SR., AND CORA WHITTED FITCH, DISTINGUISHED CITIZENS AND CIVIL RIGHTS ACTIVISTS.

Referred to the **Rules and Operations of the Senate Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 561 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES.

Referred to the **Judiciary II Committee**.

H.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REGULATION OF PLANTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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H.B. 1085 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEFENDANT ARRESTED FOR USING DOGS FOR FIGHTING TO POST A DEPOSIT TO THE ANIMAL SHELTER TO PAY FOR THE DOGS' KEEP DURING THE PERIOD PRIOR TO ADJUDICATION OF THE CHARGES.

Referred to the **Judiciary II Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Rand:

S.R. 1174, A SENATE RESOLUTION AMENDING THE PERMANENT RULES OF THE SENATE TO EXTEND THE CROSSOVER DATE.

The Senate Resolution is placed on the Calendar for Wednesday, May 11.

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 The Honorable Beverly E. Perdue, Lieutenant Governor, President of the Senate.

The President declares a quorum of the House of Representatives and the Senate present.

RECOGNITION OF NASCAR CHAMPIONS AND GUESTS

The President recognizes the Sergeant-At-Arms of the Senate and the Sergeant-At-Arms of the House to escort the NASCAR Champions and guests to the Well of the Senate.

The President relinquishes the gavel to Representative Jim Black, Speaker of the House of Representatives, who presides.

H.J.R. 1605, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM "BIG BILL" FRANCE, NASCAR'S FOUNDER, AND ENCOURAGING THE NASCAR ORGANIZATION TO KEEP THE LOWE'S MOTOR SPEEDWAY AS THE SITE OF THE NASCAR NEXTEL ALL-STAR CHALLENGE.

The House of Representatives sitting in joint session passes H.J.R. 1605 on its second and third readings. The Speaker orders the resolution sent to the Senate by special message.

Speaker Black relinquishes the gavel to the Lieutenant Governor, Beverly E. Perdue, who presides.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1605, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM "BIG BILL" FRANCE, NASCAR'S FOUNDER, AND ENCOURAGING THE NASCAR ORGANIZATION TO KEEP THE LOWE'S MOTOR SPEEDWAY AS THE SITE OF THE NASCAR NEXTEL ALL-STAR CHALLENGE.

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 Forrester, the remarks of the members of the Senate are spread upon the Journal, as follows:

Senator Rand:

"Thank you, Madame President, Ladies and Gentlemen. Today is a special day for us all as we honor 'Big Bill' France and the pioneers of this wonderful sport that has meant so much to North Carolina and defines us, I think, as a people. 'Big Bill' France was a large man, but his dreams were much bigger than he was. You go back and you see the films of those early races where they raced down the street and then down the ocean. That was an amazing enterprise. It was a harbinger of things to come that are truly amazing and has meant so much to the people of this Country and has given a lot of pleasure, enjoyment and excitement to the people as this sport has really become a major part of the American scene. It is wonderful now today as we celebrate with NASCAR, with Nextel, with Lowe's Motor Speedway, this All-Star Challenge Tour. The NASCAR NEXTEL All-Star Challenge Tour is a wonderful thing for North Carolina. I know it will go to Fort Bragg, it will go to Pope Air Force Base, it will go down to Lejeune. This will be a wonderful thing to the men and women who protect this Nation, that this sport thinks enough to come and celebrate with them and then all the people of North Carolina will have the opportunity as it tours the State to show what racing today really is. Of course, the All-Star Challenge means so much to North Carolina. It's been there twenty some years. It really has a home there at Lowe's and if any of you have never been there, it's grand to watch it on television, I've enjoyed it immensely, but being there is really a special thrill and it really kind of defines the year and the drivers that go there. It means a great deal to them. So today as we celebrate all of this, I think we have a great deal to be proud of in North Carolina. We have a wonderful heritage in this sport and it's a grand day for us all. Now, Madame President, if I could I'd like to introduce some of the ladies and gentlemen that we have as our guests today.

"The 1973 Winston Cup Champion, is now the NEXTEL Cup Championship, of course, was Benny Parsons. Benny is a native North Carolinian. He came from Wilkes County. His racing career spanned twenty-five years and he was named one of the fifty greatest drivers in NASCAR history, but after his racing career he became a very successful race analyst and color commentator. He was on ESPN, NBC, TNT. His successes were both in sports, his public life, on radio and television and in 1995 he received the ESPN Emmy award. It's a

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great thing to have a native North Carolinian who has done so much for his State and for his sport as Benny Parsons and we are delighted to have him here today. I'd like to ask Benny to please stand if he would.

"I next want to introduce the Alabama Gang, but I would say that while they are called the Alabama gang they both have the good judgment and keen insight to live in North Carolina now. But during their time in racing, they were an amazing group. Bobby Allison is a patriarch of the Allison racing family. He was the father of David and Clifford. His racing career lasted almost three decades. One of his most famous wins was when he and David finished first and second in the Daytona Race. It was the first father and son team to accomplish that feat. The 1983 Winston Cup Champion, now of course, the NEXTEL Cup Champion, Bobby was the runner-up for the championship four times. He was named one of the fifty greatest drivers in NASCAR history and was a six-time winner of the Driver of the Year. I was asking about the difference in the cars today as compared to when he was driving. He said there wasn't a great deal of difference. He qualified second at Talladega at 210 miles per hour, so it's obvious that his car would run and he could get it around there. So please welcome NASCAR Champion, Bobby Allison.

"The second member of the Alabama Gang here with us today is his brother, Donnie Allison. He began his career as a member of the famed Alabama Gang and he, of course, is Bobby's younger brother. He was chosen NASCAR Rookie of the Year in 1967 and the Indianapolis Rookie of the Year in 1970. He won the World 600 at the Charlotte Motor Speedway in the same weekend that he finished fourth in the Indianapolis 500 in 1970. He probably went 1100 miles that weekend quicker than anybody in history. His career in NASCAR was 10 wins, 17 pole positions, 78 top five finishes, and a 115 top ten finishes. One of the most famous scenes of NASCAR is Donnie Allison and Cale Yarborough in 1975 dancing together. It was some kind of enterprise, I never was sure what, but it's still one of the famous scenes in NASCAR history, so we are delighted today to have here with us Donnie Allison.

"Our next special guest is a native of California but he also has a keen insight to be with us in North Carolina now. Ernie Irvan went from washing cars for a living in 1987 to driving the winning car at the Daytona 500 four years later for Morgan-McClure Racing. His career earned him 15 cup victories and 22 Pole positions. His promising career was interrupted in 1994 when he had a rather horrific crash in Michigan, but he came back to racing in 1995. He was named one of NASCAR's fifty greatest drivers in 1998 at the time of the fiftieth anniversary. In 1999, he retired from driving and, as a head injury survivor, after his retirement he began researching head injuries and their prevention primarily focusing on head injury prevention for children. He founded the 'Race2Safety Foundation' to promote head injury awareness and prevention. He was called many times while he was racing 'Swerving Irvan', but I'm sure that's a misnomer, but he's one of NASCAR's greatest drivers and we are delighted to have him here today-Ernie Irvan.

"Thomas Wolfe, dubbed Junior Johnson the last American Hero in 1965. At that time he was already a legend and his stock car racing days go back to a 14-year-old driving a car hauling that special elixir that makes North Carolina so famous in other ways through the mountains to celebrate the end of World War II. He was a central character as NASCAR progressed from jalopies and dusty short

tracks to become the most popular form of motor sports in the world. He's legendary as both an owner and a driver. He was a part of grooming the sport to what it is today and we applaud Junior Johnson and we all celebrate the role he has played in the growth and development of the most popular fan sport in the Country so we are delighted today to have with us Junior Johnson and his wife, Lisa.

"Mike Bliss is currently the driver of the number zero, NetZero Chevrolet. He is the 2002 NASCAR Craftsman Truck Series Champion. He began his rookie campaign as a driver in the Craftsman Truck Series in 1995 finishing eighth in points that year. He moved to the big series in 2000 and started 25 races. After sitting out in 2001, he returned to the Truck series in 2002 and it was a good move in his career. He won five races that year and scored four pole positions. He's a 12-time winner on the NASCAR Craftsman Truck Series. We are delighted today to have with us, Mike Bliss.

"Another one of our real pioneers is Ned Jarrett, 'Gentleman Ned', as he was called because of his smooth demeanor and pleasant disposition, but he was an intense competitor. He was born in Newton and still lives in Newton today. His racing career started in 1952 in Hickory and it flourished from there. He won his first NASCAR Championship in 1961 and became a super star when he won 13 races and another Grand National Championship in 1965. He is the only four-time winner of the Myers Brothers Memorial Award presented to the person or company contributing the most to the sport of auto racing in America. This award was named for the father and uncle of 'Chocolate' Myers who I'll introduce here in a minute, and it was named for the number three Goodwrench Chevrolet driven by Dale Earnhardt. Ned retired from racing at the young age of 34 and has spent his time in business ventures and broadcasting. His son, Dale, currently drives in the Nextel Cup Series and his grandson, Jason, drives in the ARCA Series. And if you ever had the opportunity to hear the 1993 Daytona 500 that he announced where his son, Dale, won you'll understand how proud a father can be of his son's accomplishments. I heard it at the time and it was one of the most memorable things really that I think I've heard. So we're delighted to have with us today, Ned Jarrett.

"Richard Childress is no newcomer to racing. He drove his own car in NASCAR's top series from 1969 to 1981, but he retired in 1981 as a driver and brought a young man named Dale Earnhardt to finish the season in his car. He formed a second cup team in 1996, a third team in 2001, and he has two Busch Teams that he started in 2000. He's the first owner to win championships in NASCAR's top series as a car owner with Dale Earnhardt and he won six NASCAR Cup Championships. His driver, Kevin Harvick, won the Busch Grand National Championship in 2001 and Mike Skinner won the Craftsman Truck Series as a driver for Richard Childress Racing in 1995. His career has been a strong and prosperous one. You can visit the Richard Childress Racing Museum in Welcome, North Carolina and view the racecars that won six cup championships and a lot of other special racing vehicles. But he is also now branching out in other things - the Richard Childress Vineyards, another investment by Richard in North Carolina. His goal is to produce world-class wine and I'm sure we would all salute that and if we were able I'm sure we would toast to it. His goal is to provide a distinct tourist experience in North Carolina for those people that come and visit with us, so we are delighted today to have Richard Childress and his wife, Judy.

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“We also are delighted to have with us today Mark Friszolowski and his wife, Patty. Mark is a General Manager and Winemaker of the Childress Vineyards. Mark, we are glad to have you here. We’ve talked a lot today about Nextel and its wonderful sponsorship of the All-Star Challenge and, of course, the Cup Series.

“We have a number of Nextel guests with us today that mean so much to what goes on here and so much to the sport of racing. We are pleased to have Lonnie Taylor, the Vice-President of Government Affairs of Nextel; Craven Shumaker, Area Vice-President; Todd Weller, Vice-President of NASCAR Business Development; Michael Robichaud, Senior Director, Sports and Entertainment Marketing for Nextel; Jill Gregory, Director of Sports Marketing; Michael Mooney, Director of Corporate Communications; Chris Panel, District Sales Manager; Lee Horner, Director of Public Affairs; and Chris Cingilani, Manager of Business Development. We are delighted to have our friends from Nextel and we hope that the people of North Carolina will really have a special feeling after this tour because that’s a wonderful thing you are doing for North Carolina.

“I next would like to introduce to you Sam Belnavis. I have a special connection with Sam because he gave me a coin from his car and the car has now won two races since he gave me this coin, so Sam and I plan to hook up together and go forward from here. Sam has a broad-based marketing experience in both general and diversity advertising and promotion. He’s held managerial positions with Sear Roebuck and was Director of Sports Marketing with Miller Brewing. He comes to NASCAR’s top series with a strong background in marketing in motor sports. He is currently the Chief Diversity Officer with the Roush Racing Organization. He also has ownership in the 50 Craftsman Truck and the number 16 Nextel car driven by Greg Biffle. Now this was a car that was decided as winner of the Dodge Charger 500 at Darlington Race Track and it was his third win of the season. He has been involved in racing for many years and is committed to the diversity initiative in NASCAR and with Rouse Racing. He is here today with his daughter, Cherise Johnson. Please welcome Sam Belnavis and his daughter, Cherise.

“I’m now pleased to introduce to you Danny ‘Chocolate’ Myers. ‘Chocolate’ is one of the most popular crew members in the world of stock car racing. He was the famed ‘gas man’ for the number three GM Goodwrench Chevy driven by Dale Earnhardt and when you are dumping the gas cans you have got to be full grown to do it and, as you can see, he is, in fact, full grown. For the past eighteen years ‘Chocolate’ and team owner Richard Childress have visited victory lane no less than 83 times. He comes from a racing family. His father, the late Bobby Myers, a pioneer of NASCAR, was lost while driving in the Southern 500 at Darlington in 1957. Each year NASCAR presents the Myers Brothers Award that we talked about a minute ago at the Waldorf Estoria Hotel in New York and it’s given to the person or entity having the greatest positive impact on racing. The award was named, of course, for his father and uncle. He is retired from racing now and remains with Richard Childress Racing as a safety directory. Please welcome Danny ‘Chocolate’ Myers and his wife, Caron.

“One of the real exciting drivers of NASCAR today is Casey Mears. He has a last name synonymous with racing, with a father named Roger Mears who excelled in off-road racing and an uncle, Rick Mears, who won the Indianapolis

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500 four times, so his career in racing was all but pre-determined. He gives Team Target its first top-five finish at the Watkins-Glenn International in only his third full season of NASCAR. Casey won the pole position in track record time in the Indianapolis Motor Speedway in 2004. He won his first career pole at Pocono a week earlier, making him the first driver since 1964 to post its first two career NASCAR NEXTEL Cup Poles in consecutive races. His rookie season was in 2003 and he completed 36 Cup Series races that year and 13 Busch Series races. We are pleased to have with us today the driver of the Target team and the NEXTEL cup driver, Casey Mears.

“We also have with us a number of friends from Lowe’s Motor Speedway, the location of the NASCAR NEXTEL Challenge All-Star Race and the place where we think it would be an absolute marvelous idea to have for its permanent home. We are really pleased to have the President and General Manager of Lowe’s Motor Speedway, the Chief Operating Officer, and the President of Speedway Motorsports, Humpy Wheeler. We are also pleased to have with us the Executive Vice-President of Speedway Motorsports and a member of one of North Carolina’s first families of racing, Marcus Smith. We also have the Executive Vice-President of Lowe’s Motor Speedway and I think he is the President of the Chamber of Commerce up there, too, Doug Stafford. Here also is the Vice-President of Marketing and Public Relations of Lowe’s, Jerry Gappens. We are also delighted to have Ed McLean, the Executive Director of the North Carolina Motorsports Association.

“Now the people that really make all of this turn around and go and write the rules and watch it all is, of course, NASCAR and we have with us here today representatives of NASCAR, Mark Dyer, Vice-President of Licensing of Consumer Products; Kerry Tharp, Director of Public Relations; and John Datsun with the NASCAR Technical Institute. If I missed anybody in this marvelous assemblage, I apologize, but I am somewhat in awe of the accomplishments of the gentlemen you see before here, the kind of things they have done and the ladies, of course, because they couldn’t have done it without the help of the good women that are here with them. The things they’ve done and what they have meant to North Carolina is really almost beyond anybody’s ability to describe because they have given so much pleasure and it’s also a five-billion dollar business in North Carolina. I will just throw that in for what it’s worth. But this means a great deal to North Carolina, we greatly pride ourselves on our heritage in North Carolina. We give a great honor to those who have done the things that have made this State what it is. The gentlemen that you see here before you today have had a great deal to do with the development of North Carolina and making us the center of really of the motor sport industry and for that we are everlastingly grateful. We thank you all for coming here today so we might give some small thanks for your contribution to this wonderful sport that means so much to us. I would ask the support of the body for the resolution, Madame President.”

Senator Hartsell:

“Madame President, being the tactical soul that I am, on behalf of my colleagues from the House, Representative Johnson and Representative Barnhart, I call the attention of the Body to page two, line eight. It points out that Lowe’s Motor Speedway is located in Concord, North Carolina. Madame President and members of the Senate and House, I want to speak to a sort of personal side of

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NASCAR as it exists in our community and, I think, in the State as a whole. On this floor in times past, I have quoted Thomas Jefferson as saying that each generation owes to the next those opportunities and possibilities for life at least as great as those passed to it from their parents. NASCAR came from humble beginnings. Its taproot was North Carolina. Its existence ... in fact our community is here. NASCAR has done things well, it has done things right, it has expanded and provided opportunity to tremendous numbers of individuals, not just in racing itself, but in other ways that we are so thankful for. And let me say from my own community how important that is. We had a bond referendum for school bonds in Cabarrus County last November. It was touch and go. The Co-Chair of the bond referendum committee was Anne Trader, the wife of Ken Trader, a NASCAR driver, and I think the person that turned it around was Dale Earnhardt, Jr. who spoke in support of the schools in our community as they needed it. As Senator Rand has previously said, the current Chair of our Chamber of Commerce is Doug Stafford, who works for Lowe's Motor Speedway. I think that it is emblematic of the nature of NASCAR, what it does in communities, what it means to those communities and the people who are involved. It does things well, it does things right and boy does it do things fast! Thank you."

Senator Pittenger:

"Much has been said about the economic prowess in this industry and it is significant. I'll tell you a story that happened to my son and me. We were headed down to Daytona and we were invited to go on the airplane with the pit crews. That was an incredible experience, leaving at four o'clock in the morning, gave us a little card as we got on the plane that said, 'No alcohol and no food fights.' Well, we knew we were in for a good time. Coming back, that was the year that Dale Earnhardt won the Daytona. We were the first people to get on the plane, but the last people to get on the plane were Dale Earnhardt's pit crew. When they got on the plane, everyone stood and cheered. What a tremendous statement of the family that this industry represents. You've done so much for us as a State, but what you've done for us in how you represent yourselves, how you are committed to each other as a family speaks so highly of you. Thank you for it and I commend this resolution. Thank you."

Senator Garrou:

"Ladies and gentlemen of the Senate and the House and honored guests, we are so happy to have you here today and I want to tell you that in honor of all the good things that you have done and the integral part that you have played in the history of North Carolina, tomorrow in Winston-Salem we are going to open the Winston-Cup Museum that will celebrate many of your accomplishments and I just wanted to be sure that everybody knew about that. Thank you for all that you have done for this great State."

Senator Dannelly:

"Ladies and Gentlemen of the House and Senate, I'll take another direction. Back in the 1970's, the Charlotte Motor Speedway owners and the City of Charlotte, particularly the City of Charlotte, saw the potential for Charlotte Motor Speedway and in cooperation with the City, the City helped build some of

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the parking lots around the Charlotte Motor Speedway. I won't tell you how, but we helped develop and build some of the parking lots around the Charlotte Motor Speedway. In the ensuing years I, personally, particularly at this time, have given that area the name that I like to call it and that is NASCAR City, because if any lady in here has not been to Concord Mills, then you are missing something and I would venture to say that Concord Mills is there because of the NASCAR NEXTEL All-Star Challenge over the years. Not only Concord Mills, but many other venues. Hotels galore. There was a time when we couldn't get hotels in Charlotte and there is still that time now even when you have a raise. On May 21, people will be coming from Lancaster, Rock Hill, Greensboro, and Statesville, coming to the race. The All-Star Challenge was born there. It built the area. That is its home. Don't take it away. Thank you for the many good things you've done and let me compliment NASCAR on this. When you decided that you wanted diversity, you didn't play around. You stuck your hands out and you are still working on it. Thank you for that, too."

The Senate sitting in joint session passes H.J.R. 1605 on its second and third readings and the President orders the resolution enrolled.

ENROLLED BILLS AND RESOLUTIONS

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. 1605, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM "BIG BILL" FRANCE, NASCAR'S FOUNDER, AND ENCOURAGING THE NASCAR ORGANIZATION TO KEEP THE LOWE'S MOTOR SPEEDWAY AS THE SITE OF THE NASCAR NEXTEL ALL-STAR CHALLENGE. (Res. 29)

Upon motion of Speaker Black, seconded by Senator Basnight, the Joint Session is dissolved at 1:14 P.M.

ADDITIONAL SPONSOR

Senator Holloman requests to be added as a sponsor of previously introduced legislation:

S.B. 8, 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.

Pursuant to the motion previously made by Senator Basnight, seconded by Senator Rand, the Senate will meet tomorrow, May 11, at 1:30 P.M.

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SIXTY-FIRST DAY

Senate Chamber
Wednesday, May 11, 2005

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 Members of the Senate read the detailed, complex written language of legislation everyday. Learning that language is an acquired and necessary skill. Though we trust their translation, O God, for most of the rest of us, I wish they would attach a paraphrased 'Cliff Note' version to every bill. Since that won't happen, we pray that one legacy of this session is that the Senators enact new laws which 'Common Sense,' without the grace of genius, can deal with successfully. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, 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 privileges of the floor to Dr. Janice E. Daugherty from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Kristin Ratcliff from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 946, AN ACT TO ALLOW THE TOWN OF OSSIPEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS AND TO ALLOW THE TOWN OF MILLS RIVER TO AMEND ITS BUDGET ORDINANCE FOR THE 2003-2004 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2.

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. 798, AN ACT TO REPEAL THE LAW REGULATING FOX HUNTING IN HARNETT COUNTY. (Became law upon ratification, May 9, 2005 - S.L. 2005-28.)

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H.B. 807, AN ACT AUTHORIZING THE TOWN OF FARMVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE. (Became law upon ratification, May 9, 2005 - S.L. 2005-29.)

H.B. 887, AN ACT AMENDING THE CHARTER OF THE CITY OF BURLINGTON TO ALLOW THE CITY TO IMPOSE CERTAIN RESTRICTIONS ON PERSONS SOLICITING ON STATE HIGHWAYS AND STREETS. (Became law upon ratification, May 9, 2005 - S.L. 2005-30.)

H.B. 982, AN ACT TO PROHIBIT HUNTING AND THE DISCHARGE OF HIGH-POWERED RIFLES FROM THE RIGHTS-OF-WAY OF PUBLIC ROADS IN VANCE COUNTY, AND TO INCREASE THE FINES FOR VIOLATIONS OF THE LAW REGULATING HUNTING ON REGISTERED LAND IN VANCE COUNTY. (Became law upon ratification, May 9, 2005 - S.L. 2005-31.)

H.B. 997, AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF DAVIE COUNTY AS TO AN EMERGENCY MEDICAL SERVICES STATION. (Became law upon ratification, May 9, 2005 - S.L. 2005-32.)

H.B. 1021, AN ACT REQUIRING THE CONSENT OF NORTHAMPTON COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY. (Became law upon ratification, May 9, 2005 - S.L. 2005-33.)

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 929, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO BREAK OUT OF A JUVENILE DETENTION FACILITY OR YOUTH DEVELOPMENT CENTER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55227, which changes the title to read **S.B. 929** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETER ESCAPES FROM CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BY MAKING IT A CRIMINAL OFFENSE TO ESCAPE, OR ATTEMPT TO ESCAPE, IF THE PERSON IN CUSTODY IS AGE EIGHTEEN OR OVER, AND TO INCREASE THE PENALTY FOR ESCAPE FROM COUNTY OR CITY JAILS, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 271, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 2.

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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 & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

S.B. 278, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

S.J.R. 1173, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY GARDNER "RED" GIBSON, PATRIOT AND WORLD WAR II VETERAN, referred to the **Rules and Operations of the Senate Committee** on May 4.

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 May 12, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for May 12.

H.J.R. 744, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STORYTELLER JACQUELINE CARSON "JACKIE" TORRENCE, referred to the **Rules and Operations of the Senate Committee** on April 20.

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 May 12, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for May 12.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 445, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS OF AT LEAST TEN PERCENT FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 341, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MODERN INVESTMENT PROGRAM FOR THE PRUDENT AND APPROPRIATE MANAGEMENT OF THE ESCHEAT FUND, FOR THE BENEFIT OF "NEEDY AND WORTHY" STUDENTS AS PROVIDED FOR IN THE STATE CONSTITUTION, with a favorable report.

H.B. 540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HALIFAX COUNTY TOURISM AND DEVELOPMENT TAX AND TO IMPLEMENT A TOURISM AND DEVELOPMENT TAX FOR THE CITY OF ROANOKE RAPIDS, with a favorable report.

H.B. 871, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF EMERALD ISLE TO IMPOSE A CANAL DREDGING FEE, with a favorable report.

S.B. 206, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF SALEMBURG, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65300, which changes the title to read **S.B. 206** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE LIMITS OF THE TOWN OF SALEMBURG AND TO VALIDATE ELECTIONS AND ACTS OF THE TOWN, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

S.J.R. 1172, A JOINT RESOLUTION FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS TO THE UTILITIES COMMISSION, 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 55228, which changes the title to read **S.J.R. 1172** (Committee Substitute), A JOINT RESOLUTION FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. TO THE UTILITIES COMMISSION, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 665 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO CONTRACT DIRECTLY WITH PRIVATE VENDORS TO OPERATE THE COUNTY BILLING SYSTEM FOR MEDICAID CLAIMS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO INCREASE THEIR MEMBERSHIP.

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Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, May 12.

S.B. 806, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT, MEDIATION IN DISTRICT COURT DOMESTIC CASES, AND THE REGULATION OF MEDIATORS, AS RECOMMENDED BY THE DISPUTE RESOLUTION COMMISSION.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, May 12.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator East for the **State & Local Government Committee**:

H.B. 811, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT COUNTY, with a favorable report.

H.B. 860 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE GOVERNING BOARD OF THE TOWN OF BAKERSVILLE FROM THE BOARD OF ALDERMEN TO THE TOWN COUNCIL, TO PROVIDE THAT THE MAYOR SHALL BE ELECTED TO A FOUR-YEAR TERM, AND TO PROVIDE THAT THE TOWN COUNCIL SHALL BE ELECTED FOR TWO- AND FOUR-YEAR TERMS, with a favorable report.

H.B. 962, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, with a favorable report.

H.B. 987 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CRAMERTON AND GRIFTON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWN'S WEEDED LOT ORDINANCE, with a favorable report.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 489** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, 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 489, A BILL TO BE ENTITLED

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AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY VARIOUS COUNTIES AND MUNICIPALITIES, Senate State and Local Government Committee Substitute Adopted 4/21/05, Fifth Edition Engrossed 4/26/05, submit the following report:

The House concurs in the Senate Committee Substitute with the following amendments:

1) amend the bill on page 2, line 5, by deleting "Cabarrus or New Hanover Counties", and substitute "Cabarrus County";

2) amend the bill on page 2, line 6, by deleting "Lee, and New Hanover", and substituting "and Lee";

3) amend the bill on page 1, line 15, by deleting "municipality", and substituting "municipality or county".

The Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: May 10, 2005.

Conferees for the Senate

Conferees for the House of Representatives

S/Daniel G. Clodfelter, Chair

S/Jennifer Weiss, Chair

S/Fletcher L. Hartsell, Jr.

S/Thomas E. Wright

S/Bob Atwater

Daniel F. McComas

S/Julia Boseman

S/Joe Hackney

S/Richard Stevens

S/Nelson Dollar

Upon motion of Senator Clodfelter, the Conference Report is placed on the Calendar for tomorrow, May 12, for adoption.

CALENDAR *(continued)*

H.B. 1028 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY AND AMENDING THE CHARTER OF THE TOWN OF CLAREMONT TO PROVIDE FOUR-YEAR TERMS FOR THE OFFICE OF MAYOR.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES.

Senator Purcell offers Amendment No. 1.

Upon motion of Senator Purcell, the President orders, without objection, the Committee Substitute bill, temporarily displaced with Amendment No. 1 pending.

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S.B. 522, A BILL TO BE ENTITLED AN ACT TO EXTEND THE BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 615, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS OF THE STATE.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 679 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 776 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN.

The Committee Substitute bill passes its second reading (49-0).

Upon motion of Senator Snow, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, May 12.

S.B. 189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES, temporarily displaced earlier with Amendment No. 1 pending.

Upon motion of Senator Purcell, the Committee Substitute bill with Amendment No. 1 pending is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, May 12.

S.B. 879 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOR A BIDDING PREFERENCE ON STATE CONTRACTS FOR RESIDENT BIDDERS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE MAINTENANCE OF A RESIDENT BIDDER LIST.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES.

The bill passes its second (34-15) and third readings and is ordered sent to the House of Representatives.

H.B. 231 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER TO CLARIFY THAT THE CONTROLLER MAY CONDUCT

COMPLIANCE REVIEWS OF STATE AGENCIES AND TO EXEMPT THE WORKING PAPERS FROM THOSE REVIEWS FROM THE PUBLIC RECORDS LAWS.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE ABUSED.

The Committee Substitute bill passes its third reading (49-0) and is ordered enrolled and sent to the Governor.

S.R. 1174, A SENATE RESOLUTION AMENDING THE PERMANENT RULES OF THE SENATE TO EXTEND THE CROSSOVER DATE.

The resolution is adopted (49-0).

WITHDRAWAL FROM COMMITTEE

S.B. 525, A BILL TO BE ENTITLED AN ACT RELATING TO NASCAR HALL OF FAME FINANCING, referred to the **Rules and Operations of the Senate Committee** on March 15.

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** and if favorable re-referred to **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee** and if favorable re-referred to **Appropriations/Base Budget Committee**.

S.B. 512, A BILL TO BE ENTITLED AN ACT TO PRESERVE THE CORRIDOR RIGHTS OF ELECTRIC SUPPLIERS FROM EROSION DUE TO ANNEXATION OR INCORPORATION, TO CLARIFY THE RIGHTS OF PRIMARY AND SECONDARY SUPPLIERS OF ELECTRICITY TO SUPPLY ELECTRIC SERVICE WHEN THEIR DISTRIBUTION AND TRANSMISSION LINES ARE IN CLOSE PROXIMITY, TO PROHIBIT A CITY FROM CONDITIONING THE PROVISION OF WATER AND SEWER SERVICES TO VOLUNTARY ANNEXATION PETITIONERS UPON THE PETITIONERS AGREEING TO BE SUPPLIED WITH ELECTRICITY BY THE CITY, AND TO CREATE A MECHANISM TO FACILITATE THE RESOLUTION OF TERRITORIAL DISPUTES BETWEEN ELECTRICITY SUPPLIERS, referred to the **Rules and Operations of the Senate Committee** on March 15.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

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The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Commerce Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

JoEllen Ann Billotte, Apex; Benjamin Carr, Raleigh; Channing K. Carter, Greensboro; Gregory Keith Cutler, Jr., Frisco; Jessica Amari Davison, Raleigh; Derik Dean, Garner; Kenneth Douglas Elmore, Lexington; Caroline Sian Finch, Goldsboro; Cornelius Alexander Flowers, Louisburg; Laura Katherine Greene, Chapel Hill; Triston Neal Hooks, Goldsboro; Samantha Leigh Kessler, Oxford; Hannah Lee, Goldsboro; Cory McInnis, Laurinburg; Melynda McLaurin, Fayetteville; Blair Milam, Greensboro; Chase Griffin Patillo, Fayetteville; Joel P. Sullivan, Goldsboro; Sarah Whited, Burlington; Paul Edward Woods, Murphy; Franklin Josiah Wright, Dudley; and Faith Marie Wright, Dudley.

ADDITIONAL SPONSOR

Senator Garrou requests to be added as a sponsor of previously introduced legislation:

S.B. 223, A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT ALL VOTING SYSTEMS PERMIT ALL VOTERS TO VERIFY THEIR VOTES ON PAPER; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY PROVIDING CHECKS ON ELECTRONIC VOTING SYSTEM VENDORS, INCLUDING MULTIPARTY REVIEW OF SOURCE CODE, BY AUTHORIZING THE STATE BOARD OF ELECTIONS TO PROMOTE UNIFORMITY IN VOTING SYSTEMS BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, BY EMPOWERING THE STATE BOARD OF ELECTIONS TO CONTROL THE TESTING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; BY APPROPRIATING STATE FUNDS FOR VOTING SYSTEM ACQUISITION TO PREVENT IMPOSING UNFUNDED MANDATES UPON COUNTIES; AND BY APPROPRIATING FUNDS TO THE STATE BOARD OF ELECTIONS TO IMPLEMENT ITS EXPANDED DUTIES WITH REGARD TO VOTING SYSTEMS.

Upon motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns subject to reading of messages from the House of Representatives, messages from the Governor, and introduction of a bill to meet tomorrow, May 12, at 11:00 A.M.

May 11, 2005

INTRODUCTION OF BILLS AND RESOLUTIONS

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Soles:

S.J.R. 1175, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE REAPPOINTMENT OF DR. ROBERT K. KOGER TO THE UTILITIES COMMISSION.

Referred to the **Commerce Committee**.

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:



**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301**

Michael F. Easley
Governor

May 10, 2005

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2001 Legislative Building
Raleigh, NC 27601
Dear Ms. Pruitt:

Pursuant to North Carolina General Statute §115C-10, I hereby reappoint Senator Howard N. Lee and appoint Ms. Melissa Bartlett and Ms. Shirley East Harris to the North Carolina State Board of Education. I am submitting their names for confirmation by the North Carolina General Assembly. Their terms will begin immediately pending confirmation and expire on March 31, 2013.

Senator Howard Lee has served since May 1, 2003, and will serve as the 5th Education District representative. Ms. Harris will serve as the 4th Education District representative. Ms. Melissa Bartlett will fill an at-large seat.

May 11, 2005

Enclosed is biographical information on these appointees. Please feel free to call on them or members of my staff if you need additional information.

With kindest regards, I remain.

Very truly yours,



Michael F. Easley

MFE: tr
Enclosures

cc: The Honorable Beverly Perdue
The Honorable James Black
The Honorable Marc Basnight
Ms. Denise Weeks

Referred to **Education/Higher Education Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 10, 2005

Madame President:

It is ordered that a message be sent to the Senate informing your Honorable Body that the Speaker has appointed the following Representatives to the Joint Select Committee on Council of State Contested Election:

Representative Ross, Co-Chair
Representative Hackney
Representative Michaux
Representative Stiller
Representative Justice

Respectfully,
S/Denise G. Weeks
Principal Clerk

May 11, 2005

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 16 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO TEACH PERSONAL FINANCIAL LITERACY IN HIGH SCHOOL.

Referred to the **Education/Higher Education Committee**.

H.B. 413 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY OF WHAT HIGH SCHOOL GRADUATES NEED TO KNOW IN A RAPIDLY CHANGING AND COMPLEX GLOBAL SOCIETY AND ECONOMY.

Referred to the **Education/Higher Education Committee**.

H.B. 658 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS.

Referred to the **Commerce Committee**.

H.B. 734 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; ENSURE THAT COVERED PERSONS RECEIVING EXTERNAL REVIEW KNOW WHAT INFORMATION THEIR INSURER PROVIDES TO THE EXTERNAL REVIEW ORGANIZATION PERFORMING THE REVIEW; AND ELIMINATE EXTERNAL REVIEW OUTSIDE OF NORMAL BUSINESS HOURS.

Referred to the **Commerce Committee**.

H.J.R. 774, A JOINT RESOLUTION HONORING THOSE WHO CONTRIBUTED TO THE CONSTRUCTION OF THE DISMAL SWAMP CANAL ON THE TWO HUNDREDTH ANNIVERSARY OF THIS HISTORIC LANDMARK.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 916 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FROM THE LAW EXEMPTING FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS.

Referred to the **Health Care Committee**.

H.B. 949, A BILL TO BE ENTITLED AN ACT TO ADD CURRITUCK COUNTY TO THOSE COUNTIES WITH AN EXTENDED BEAR HUNTING SEASON.

Referred to the **State & Local Government Committee**.

H.B. 1150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE JUVENILE CODE TO EXPEDITE OUTCOMES FOR CHILDREN AND FAMILIES INVOLVED IN WELFARE CASES AND

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APPEALS AND TO LIMIT THE APPOINTMENT OF GUARDIANS AD LITEM FOR PARENTS IN ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS.

Referred to the **Judiciary II Committee**.

H.B. 1319 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION ACT.

Referred to the **Judiciary II Committee**.

H.B. 1320, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURES OF CERTAIN MONETARY TRANSMISSIONS.

Referred to the **Commerce Committee**.

H.B. 1389, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS.

Referred to the **Commerce Committee**.

H.B. 1390, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW GOVERNING THE COMMERCIAL TRANSPORTATION OF ALCOHOLIC BEVERAGES CONSISTENT WITH THE LAW GOVERNING THE AMOUNTS OF ALCOHOLIC BEVERAGES THAT MAY BE PURCHASED WITHOUT A PERMIT.

Referred to the **Commerce Committee**.

H.B. 1395, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROHIBITING THE BAITING OF BLACK BEAR.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE, FOR SERVICE OF PROCESS UPON A NATURAL PERSON OR FOR PROOF OF PERSONAL SERVICE UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE, CERTAIN ELECTRONIC SIGNATURE CONFIRMATION.

Referred to the **Judiciary I Committee**.

H.B. 1523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PROVISION OF THE COASTAL HABITAT PROTECTION PLAN BY PROVIDING FOR GREATER FLEXIBILITY IN THE USE OF FUNDS FROM THE RIPARIAN BUFFER RESTORATION FUND TO CONSTRUCT ALTERNATIVE MEASURES TO REDUCE NUTRIENT LOADING AND BY PROVIDING THAT IF A LAND-DISTURBING ACTIVITY LEAVES AN EXPOSED SLOPE, THE SLOPE SHALL BE PLANTED WITH TEMPORARY OR PERMANENT GROUND COVER WITHIN TWENTY-ONE CALENDAR DAYS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:31 P.M.

May 11, 2005

SIXTY-SECOND DAY

Senate Chamber
Thursday, May 12, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Dr. Stan Smith, First United Methodist Church, Laurinburg, North Carolina as follows:

"Almighty God, as you anointed leaders and called prophets of old, may our elected leaders of today exercise authentic leadership in the North Carolina Senate. Especially do we pray for those in the North Carolina Senate. Help them to listen to their people and then set forth a vision that will help bring to pass the highest and best good for all North Carolinians. Help each member of the Senate to focus on one or two things that he or she likes about each colleague so all can work better together. At the same time, may each member focus on what's right with each piece of legislation that comes across their desk so they can better improve it. O Lord, in a world of change you have given our leaders the capacity for thoughtful decision-making and the power to discern good from evil. Help them in crafting legislation to seek those things which endure, to see truth steadily and follow the path of wisdom faithfully. As this week the Senate considers various legislative matters, help the members to seek the common good for all citizens of our State. Give them boldness to transform our political system so that it truly serves the best interests of all North Carolina citizens, and may all they say and do bring glory to your name. Amen."

The Chair grants a leave of absence for today to Senator Basnight.

Senator Rand announces that the Journal of yesterday, 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 Deputy President Pro Tempore of the Senate extends privileges of the floor to Dr. Frederick A. Frohbose from Rocky Mount, North Carolina, who is serving the Senate as Doctor of the Day, and to Deborah "Hutch" Allen from Pittsboro, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 262, AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

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H.B. 277, AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE ABUSED.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 946, AN ACT TO ALLOW THE TOWN OF OSS�PEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS AND TO ALLOW THE TOWN OF MILLS RIVER TO AMEND ITS BUDGET ORDINANCE FOR THE 2003-2004 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2. (Became law upon ratification, May 11, 2005 - S.L. 2005-34.)

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 929 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETER ESCAPES FROM CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BY MAKING IT A CRIMINAL OFFENSE TO ESCAPE, OR ATTEMPT TO ESCAPE, IF THE PERSON IN CUSTODY IS AGE EIGHTEEN OR OVER, AND TO INCREASE THE PENALTY FOR ESCAPE FROM COUNTY OR CITY JAILS.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 17.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.B. 1117, A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AND GUARDSMEN SUPPORT 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 75309, which changes the title to read **S.B. 1117** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

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By Senator Lucas for the **Education/Higher Education Committee**:

H.B. 415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES FRANCES AND IVAN, 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 60459, 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.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 805, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION, with a favorable report.

S.B. 934, A BILL TO BE ENTITLED AN ACT TO ADD CHAPTER 10B TO THE GENERAL STATUTES RELATING TO NOTARIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55226, which changes the title to read **S.B. 934** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 10A OF THE GENERAL STATUTES REGARDING THE REGULATION OF NOTARIES PUBLIC, AND TO ENACT CHAPTER 10B RELATING TO NOTARIES, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Kerr for the **Finance Committee**:

S.B. 442, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF BLOWING ROCK TO ESTABLISH AN OFF-STREET PARKING FUND, with a favorable report.

S.B. 450, A BILL TO BE ENTITLED AN ACT TO ENABLE THE RUTHERFORD AIRPORT AUTHORITY TO LEASE PROPERTY FOR FIFTY YEARS, with a favorable report.

H.B. 125, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

H.B. 278, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WALKERTOWN, with a favorable report.

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H.B. 478, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF TOBACCOVILLE, with a favorable report.

H.B. 498, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE, with a favorable report.

H.B. 843, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

S.B. 92, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WATAUGA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65307, which changes the title to read **S.B. 92** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATAUGA COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY, is adopted and engrossed.

S.B. 138, A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF ARCHDALE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS 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 35223, is adopted and engrossed.

S.B. 339, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF AHOSKIE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75308, which changes the title to read **S.B. 339** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is adopted and engrossed.

S.B. 407, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS 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 65315, is adopted and engrossed.

S.B. 466, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE

CORPORATE LIMITS OF THE CITY OF BURLINGTON, ALL AS REQUESTED BY THE TWO MUNICIPALITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85244, which changes the title to read **S.B. 466** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF BURLINGTON AND TO ANNEX IT TO THE TOWN OF GIBSONVILLE, ALL AS REQUESTED BY THE TWO MUNICIPALITIES, is adopted and engrossed.

H.B. 986 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF GREENVILLE AND THE TOWNS OF SURF CITY AND WINDSOR, 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 70465, which changes the title to read **H.B. 986** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITIES OF GREENVILLE AND ELIZABETH CITY AND THE TOWNS OF AYDEN, SURF CITY, AND WINDSOR, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

S.B. 960, A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF INDIRECT COSTS ASSOCIATED WITH THE INTEGRITY OF THE CHILD NUTRITION SERVICES PROGRAM IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND 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 85235, which changes the title to read **S.B. 960** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF INDIRECT COSTS ASSOCIATED WITH THE INTEGRITY OF THE CHILD NUTRITION SERVICES PROGRAM IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

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S.B. 844, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MANAGED HUNTS, with a favorable report.

S.B. 681, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COUNTIES AND MUNICIPALITIES FROM REGULATING CERTAIN FORESTRY AND AGRICULTURAL ACTIVITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35222, which changes the title to read **S.B. 681** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 206 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE LIMITS OF THE TOWN OF SALEMBURG AND TO VALIDATE ELECTIONS AND ACTS OF THE TOWN, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senators East and Webster—2.

The Committee Substitute bill remains on the Calendar for Monday, May 16, upon third reading.

H.B. 540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HALIFAX COUNTY TOURISM AND DEVELOPMENT TAX AND TO IMPLEMENT A TOURISM AND DEVELOPMENT TAX FOR THE CITY OF ROANOKE RAPIDS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senators East and Webster—2.

The Committee Substitute bill remains on the Calendar for Monday, May 16, upon third reading.

May 12, 2005

H.B. 871, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF EMERALD ISLE TO IMPOSE A CANAL DREDGING FEE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senators East and Webster—2.

The bill remains on the Calendar for Monday, May 16, upon third reading.

H.B. 811, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT COUNTY.

The bill passes its second and third readings and is ordered enrolled.

H.B. 860 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE GOVERNING BOARD OF THE TOWN OF BAKERSVILLE FROM THE BOARD OF ALDERMEN TO THE TOWN COUNCIL, TO PROVIDE THAT THE MAYOR SHALL BE ELECTED TO A FOUR-YEAR TERM, AND TO PROVIDE THAT THE TOWN COUNCIL SHALL BE ELECTED FOR TWO- AND FOUR-YEAR TERMS.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 962, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

The bill passes its second and third readings and is ordered enrolled.

H.B. 987 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CRAMERTON AND GRIFTON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWN'S WEEDED LOT ORDINANCE.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES, with Amendment No. 1 pending.

Senator Purcell withdraws Amendment No. 1.

Senator Swindell offers Amendment No. 2 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading (33-15).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the Deputy President *Pro Tempore*, orders the measure placed on the Calendar for Monday, May 16, upon third reading.

May 12, 2005

S.B. 341, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MODERN INVESTMENT PROGRAM FOR THE PRUDENT AND APPROPRIATE MANAGEMENT OF THE ESCHEAT FUND, FOR THE BENEFIT OF "NEEDY AND WORTHY" STUDENTS AS PROVIDED FOR IN THE STATE CONSTITUTION.

The bill passes its second (45-4) and third readings and is ordered sent to the House of Representatives.

S.B. 665 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO CONTRACT DIRECTLY WITH PRIVATE VENDORS TO OPERATE THE COUNTY BILLING SYSTEM FOR MEDICAID CLAIMS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO INCREASE THEIR MEMBERSHIP.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 806, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT, MEDIATION IN DISTRICT COURT DOMESTIC CASES, AND THE REGULATION OF MEDIATORS, AS RECOMMENDED BY THE DISPUTE RESOLUTION COMMISSION.

Senator Hartsell offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.J.R. 1172 (Committee Substitute), A JOINT RESOLUTION FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. TO THE UTILITIES COMMISSION.

Upon motion of Senator Rand, the Deputy President *Pro Tempore* orders the joint resolution temporarily displaced.

S.J.R. 1173, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY GARDNER "RED" GIBSON, PATRIOT AND WORLD WAR II VETERAN.

Upon motion of Senator Jacumin, the joint resolution is read in its entirety and, upon motion of Senator Webster, the remarks of Senator Jacumin, are spread upon the Journal, as follows:

Senator Jacumin:

“When Red Gibson moved into our community it immediately caused a stir. He homesteaded and later bought a small strip of property between Highway 70 and the railroad. His home started out as a woodpile and a pup tent and then he moved into an old school bus and later an old house trailer. Then a family in the community gave Red a Winnebago and the neighbors put the first water and electricity in the Winnebago. His girls are here today. He smiled and told his girls, ‘I’m really living now, ain’t I? I am living like a king.’ Red was different in another way, a patriotic way. He wouldn’t wear anything that wasn’t military. He cherished being a soldier. Ironically, it was the hell of a war and the nightmares night after night that cost him his family. Red wore his uniform and walked everywhere he went. Everyday at the

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same time he would march carrying an American flag on a pole to the overhead bridge where he would stand guard and then return. Initially, kids and adults would laugh at him and saluted him in jest. Red kept carrying a flag. No matter how hot or cold or even in the rain, he kept carrying the flag to the overhead bridge, not for a short period of time, but for week after week, month after month, and year after year. Red never changed but the people watching him did. No more laughing. Now there was a reverence when he passed with the flag on his way to the bridge. Young men and their fathers stood at attention and you could see their shirts bulge with pride. They knew a man who had given so much and was struggling on how he could let it go was passing before them. Everyone in the community had adopted him by now. Some said Red was a simple man, but he was far from simple. He was independent and self-sufficient. Red would tell how people were so good to him. The neighbor ladies would bring him plates of leftovers and check on him and see how he was doing and whether or not he needed anything. He told the ladies, 'I have so much, God's been so good to me.' He called our soldiers 'his boys.' He said he prayed for his boys every night. Red Gibson had changed the entire community. After 9-11, some community sawmill men came into the only restaurant in town and announced, 'We are going to stand and pray and have the Pledge of Allegiance and if anybody does not like it they can leave.' On February 5, 2004, two young punks and their girlfriends broke in on Red and robbed him for drug money and brutally beat him to death. Two daughters had lost a loving father. The whole part of the county had lost their hero and America had lost a true patriot. At his funeral the church that he had passed by everyday with a flag but had never been in was full with people standing outside in the rain. Red was such a special veteran. He deserved so much more than he got. He had the right to at least die on his own terms and in God's own time. The community is presently trying to raise funds to place a \$15,000 statute in his memory at the courthouse. You know life can be less than a ripple or more than a splash depending really on just a few things. Up near the surface is what we spend our life doing, but down deep what mainly counts is who we spend it with. And finally, the who and the what can best be explained by the why. Why we really exist can be explained simply by a four-letter word - g-i-v-e. You can get without loving, but you can't love without giving. Red Gibson loved to give to this Country. He will long be remembered in that community. Thank you, Senators, for allowing me to share this about Red this morning to you. I ask you for your support on this resolution."

The joint resolution passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Jacumin the Deputy President Pro Tempore extends the courtesies of the gallery to Margaret Gentry and Betty Reid, two daughters of Henry "Red" Gardner Gibson.

H.J.R. 744, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STORYTELLER JACQUELINE CARSON "JACKIE" TORRENCE.

Upon motion of Senator Dorsett, the joint resolution is read in its entirety and, upon motion of Senator Berger of Rockingham, the remarks of the members are spread upon the Journal, as follows:

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Senator Dorsett:

“I did not personally know Jackie Torrence, but I heard many great things about her. This great African-American storyteller was born in Chicago, but she was reared in North Carolina. She was a world renown and nationally acclaimed storyteller who had been featured in a lot of the major newspapers in the Country and, in fact, throughout the world, newspapers such as the *Wall Street Journal*, and the *New York Times* and there were many, many others. As a child growing up in the rural hills of North Carolina, Jackie learned the craft of telling stories from her grandfather, from her aunts and her uncles. She began her career as a library storyteller and then she began traveling and performing at major halls and festivals across North Carolina. Jackie appeared on radio and television shows frequently and through her award winning recordings and books and television and festival appearances, she actually helped storytelling take its place in the world of fine arts. Her success as a storyteller is more remarkable because Jackie actually had a childhood speech impediment and with the help of two teachers she overcame this problem. Jackie died in November of 2004 leaving a daughter and three grandsons, but she has left a wonderful legacy of stories that touched the lives of many children and adults with her unique style, her melodious voice, and her expressive faith. I commend the resolution to you.”

Senator Brock:

“I knew Jackie or was just one of the few kids in her audience when I was a few years younger. It was just so exciting when the teacher would come into the classroom and announce that Miss Jackie was going to come and tell some stories to us and this was before she started to get really big. I remember attending a PTA meeting with my mother who was a teacher at the school, and they were wondering if they would have enough money to bring Jackie back. She had become that popular. It was so exciting as a student when she would come and tell stories. It was just amazing for us to fall in love with her and her stories. In fact, we would find out she was coming to the library and we would all run to the library to check out *Jack Tales* and all the old folk tales and we would want to see which book we could read and which story she would tell out of it. It was just so amazing, and I kind of get goose bumps now because it was just amazing to hear her tell a story and then to turn around and look at all the kids who are watching and all the teachers and the other administration and finally when people would come in and start hearing her stories, parents and people of the community would start coming to story time when Miss Jackie would come and tell stories. It was quite an event to have one of our own from Salisbury to arrive to such prominence in the Nation and to the world. But if you never had a chance to hear her you really missed a true North Carolina treat. It was just so amazing that she whetted the appetite of so many students to learn to read, to learn a little bit about history and who you were and all these old stories. I commend the resolution to you.”

The joint resolution passes its second (46-0) and third readings and is ordered enrolled.

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H.B. 415 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES FRANCES AND IVAN, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

S.J.R. 1172 (Committee Substitute), A JOINT RESOLUTION FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. TO THE UTILITIES COMMISSION, temporarily displaced earlier today.

Upon motion of Senator Soles, the joint resolution is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 16.

WITHDRAWAL FROM COMMITTEE

S.B. 369, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE RESTRICTIONS CONCERNING THE USE OF TRANSPORTER PLATES ARE ENFORCED, referred to the **Rules and Operations of the Senate Committee** on March 23.

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**.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 7, A BILL TO BE ENTITLED AN ACT TO EXTEND TO MAY 1, 2005, THE BLUE RIBBON COMMISSION TO STUDY NORTH CAROLINA'S URBAN MOBILITY NEEDS.

Pursuant to the message from the House of Representatives received on May 9 that the House fails to concur in Senate Amendment No. 1 to H.B. 7 and requests conferees, Senator Rand offers a motion that the Senate appoint conferees which motion prevails.

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Senator Rand announces the appointment of Senator Jenkins, Chair; Senator Clodfelter 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.

CALENDAR *(continued)*

S.B. 776 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN.

Senator Snow offers Amendment No. 1 which is adopted (45-0), and changes the title to read **S.B. 776** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION.

The Committee Substitute bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 489 (Conference Report), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY VARIOUS COUNTIES AND MUNICIPALITIES, for adoption.

Upon motion of Senator Stevens, the Senate adopts the Conference Report (43-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE

S.B. 494, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REGULATION OF TELECOMMUNICATIONS SERVICES TO REFLECT THE MODERN MARKET-BASED COMPETITIVE ENVIRONMENT AND TO PRESERVE UNIVERSAL ACCESS TO BASIC TELECOMMUNICATIONS SERVICES, referred to the **Rules and Operations of the Senate Committee** on March 15.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Commerce Committee**.

Upon motion of Senator Rand, seconded by Senator Graham, the Senate adjourns in memory of fallen law enforcement officers and subject to reading of messages from the House of Representatives, to meet Monday, May 16, at 7:00 P.M.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 11, 2005

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. 489** (Conference Report), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY VARIOUS COUNTIES AND MUNICIPALITIES.

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. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS.

Referred to the **Finance Committee**.

H.B. 672 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF A DEMUTUALIZED INSURANCE COMPANY.

Referred to the **Commerce Committee**.

H.B. 677, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TREASURER TO DESIGNATE A PERSON TO REPRESENT THE TREASURER ON THE STATE BOARD OF COMMUNITY COLLEGES.

Referred to the **Education/Higher Education Committee**.

H.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE FINDINGS, THE PURPOSE, AND THE APPROVED PRACTICES OF THE CURRENT FOREST DEVELOPMENT ACT.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 786 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE DEALERS LICENSING ACT.

Referred to the **Commerce Committee**.

H.B. 940 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF LELAND AND PINEVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWNS' OVERGROWN VEGETATION ORDINANCE.

Referred to the **State & Local Government Committee**.

H.B. 1055 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 1069, A BILL TO BE ENTITLED AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS FOR THE TOWN OF OAK ISLAND.

Referred to the **State & Local Government Committee**.

H.B. 1133 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL RECORDS CHECKS FOR COUNTY GOVERNMENTS.

Referred to the **Judiciary I Committee**.

H.B. 1237 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 1342, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF WORLD WAR II, KOREA, AND VIETNAM.

Referred to the **Education/Higher Education Committee**.

H.B. 1500 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND TO AMEND THE LAW CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS.

Referred to the **Commerce Committee**.

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 1:12 P.M.

SIXTY-THIRD DAY

Senate Chamber
Monday, May 16, 2005

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, be real to each one of us this week, that we may become aware of just how near you are and how practical your help may be! Keep us from frustration when we try unsuccessfully to change others' minds. Thank you in advance for words we offer that may be helpful to others. Give us a vitality for this week's work. Be the source of our energy and the source of our vision we pray. Amen."

The Chair grants leaves of absence for tonight to Senator Dorsett, Senator Malone and Senator Nesbitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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 privileges of the floor to Dr. Lauren F. Schwartz from Winston Salem, 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.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 415, AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR

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IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES FRANCES AND IVAN.

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. 489, AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY VARIOUS COUNTIES AND MUNICIPALITIES.

H.B. 811, AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT COUNTY.

H.B. 860, AN ACT TO CHANGE THE NAME OF THE GOVERNING BOARD OF THE TOWN OF BAKERSVILLE FROM THE BOARD OF ALDERMEN TO THE TOWN COUNCIL, TO PROVIDE THAT THE MAYOR SHALL BE ELECTED TO A FOUR-YEAR TERM, AND TO PROVIDE THAT THE TOWN COUNCIL SHALL BE ELECTED FOR TWO- AND FOUR-YEAR TERMS.

H.B. 962, AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

H.B. 987, AN ACT AUTHORIZING THE TOWNS OF CRAMERTON AND GRIFTON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWN'S WEEDED LOT ORDINANCE.

S.J.R. 1173, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY GARDNER "RED" GIBSON, PATRIOT AND WORLD WAR II VETERAN. (Res. 30)

H.J.R. 744, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STORYTELLER JACQUELINE CARSON "JACKIE" TORRENCE. (Res. 31)

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. 399, AN ACT TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES TO EXERCISE MOST MUNICIPAL FUNCTIONS. (Became law upon approval of the Governor, May 12, 2005 - S.L. 2005-35.)

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H.B. 707, AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES. (Became law upon approval of the Governor, May 12, 2005 - S.L. 2005-36.)

H.B. 908, AN ACT TO PROVIDE THAT ONE OF THE FIFTEEN MEMBERS OF THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION MAY BE FROM A WATER OR SEWER MUNICIPAL UTILITY RATHER THAN AN AUTHORITY AND TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY WHOSE DISTRICTS INCLUDE ANY PART OF THE NORTH CAROLINA PORTION OF THE ROANOKE RIVER BASIN MAY SERVE AS LEGISLATIVE MEMBERS OF THE ROANOKE RIVER BASIN BI-STATE COMMISSION. (Became law upon approval of the Governor, May 12, 2005 - S.L. 2005-37.)

H.B. 508, AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE DIVORCE WAS GRANTED. (Became law upon approval of the Governor, May 12, 2005 - S.L. 2005-38.)

H.B. 699, AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION. (Became law upon approval of the Governor, May 12, 2005 - S.L. 2005-39.)

H.B. 780, AN ACT TO MODIFY THE PROCESS BY WHICH THE NEED-BASED SCHOLARSHIP LOAN FUND IS ADMINISTERED. (Became law upon approval of the Governor, May 12, 2005 - S.L. 2005-40.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 705, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS

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FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55229, is adopted and engrossed.

H.B. 686, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE LAW ALLOWING SERVICE ANIMALS IN TRAINING TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS, 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 60464, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 887, A BILL TO BE ENTITLED AN ACT TO REVISE THE STATUTES THAT ADDRESS STATUTORY LIENS ON REAL PROPERTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85245, is adopted and engrossed.

S.B. 1058, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO ASSAULT AN ASSISTANCE ANIMAL WITH THE INTENT TO CAUSE PSYCHOLOGICAL HARM TO THE ANIMAL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65318, which changes the title to read **S.B. 1058** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF THE CRIMINAL OFFENSE OF ASSAULT ON AN ASSISTANCE ANIMAL AND TO REQUIRE RESTITUTION, is adopted and engrossed.

CALENDAR

Bills and a resolution on tonight's Calendar are taken up and disposed of, as follows:

S.B. 206 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE LIMITS OF THE TOWN OF SALEMBURG AND TO VALIDATE ELECTIONS AND ACTS OF THE TOWN, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 2, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—45.

Voting in the negative: Senators Pittenger and Webster—2.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HALIFAX COUNTY TOURISM AND DEVELOPMENT TAX AND TO IMPLEMENT A TOURISM AND DEVELOPMENT TAX FOR THE CITY OF ROANOKE RAPIDS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—45.

Voting in the negative: Senators Pittenger and Webster—2.

The Committee Substitute bill is ordered enrolled.

H.B. 871, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF EMERALD ISLE TO IMPOSE A CANAL DREDGING FEE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—45.

Voting in the negative: Senators Pittenger and Webster—2.

The bill is ordered enrolled.

S.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATAUGA COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Garrou,

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Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—42.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The Committee Substitute bill remains on the Calendar for tomorrow, May 17, upon third reading.

S.B. 339 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—42.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The Committee Substitute bill remains on the Calendar for tomorrow, May 17, upon third reading.

S.B. 407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—42.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The Committee Substitute bill remains on the Calendar for tomorrow, May 17, upon third reading.

H.B. 125, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater,

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Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—42.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The bill remains on the Calendar for tomorrow, May 17, upon third reading.

H.B. 278, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WALKERTOWN, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—42.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The bill remains on the Calendar for tomorrow, May 17, upon third reading.

H.B. 478, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF TOBACCOVILLE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—42.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The bill remains on the Calendar for tomorrow, May 17, upon third reading.

H.B. 498, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Garrou,

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Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—42.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The bill remains on the Calendar for tomorrow, May 17, upon third reading.

H.B. 843 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—42.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The Committee Substitute bill remains on the Calendar for tomorrow, May 17, upon third reading.

H.B. 986 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITIES OF GREENVILLE AND ELIZABETH CITY AND THE TOWNS OF AYDEN, SURF CITY, AND WINDSOR, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—42.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, May 17, upon third reading.

S.B. 466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF BURLINGTON AND TO ANNEX IT TO THE TOWN OF GIBSONVILLE, ALL AS REQUESTED BY THE TWO MUNICIPALITIES, upon second reading.

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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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, May 17, upon third reading.

S.B. 138 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF ARCHDALE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

The Committee Substitute bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

S.B. 442, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF BLOWING ROCK TO ESTABLISH AN OFF-STREET PARKING FUND.

The bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

S.B. 450, A BILL TO BE ENTITLED AN ACT TO ENABLE THE RUTHERFORD AIRPORT AUTHORITY TO LEASE PROPERTY FOR FIFTY YEARS.

The bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

S.B. 681 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES.

Without objection, Senator Jenkins and Senator Pittenger request to be excused from voting on the Committee Substitute Bill due to a conflict of interest.

The Committee Substitute bill passes its second reading (44-1).

Senator Hoyle objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, May 17.

S.B. 805, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION.

Upon motion of Senator Hartsell, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, May 18.

S.B. 844, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MANAGED HUNTS.

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The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 960 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF INDIRECT COSTS ASSOCIATED WITH THE INTEGRITY OF THE CHILD NUTRITION SERVICES PROGRAM IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES, as amended on second reading.

The Committee Substitute bill, as amended, passes its third reading (31-15) and is ordered engrossed and sent to the House of Representatives.

S.J.R. 1172 (Committee Substitute), A JOINT RESOLUTION FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. TO THE UTILITIES COMMISSION.

The joint resolution passes its second (47-0) 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:

Iuvinia R. Basile, Salemburg; Tyler Churchill, Carrboro; Ashlie Nicole Doyle, Raleigh; Tiffany N. Fielder, Salemburg; Christopher Garcia, Salemburg; Andrew P. Hutchinson, North Wilkesboro; Joseph Daniel Hutchinson, North Wilkesboro; Daniel A. Keys, Boomer; Jennifer Ann Keys, Boomer; Brittney M. Martinez, Salemburg; Douglas S. Shadwick, Jr., Chapel Hill; and Jonathan Matthew Stutts, Goldsboro.

WITHDRAWAL FROM COMMITTEE

H.B. 826, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANSONVILLE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, referred to the **State & Local Government Committee** on April 14.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State & Local Government Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State & Local Government Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

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Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, May 17, at 2:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 348 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON, for concurrence in the House Committee Substitute bill.

Referred to the **Finance Committee**.

H.B. 670 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES IN ORDER TO COMPLY WITH FEDERAL LAW.

Referred to the **Commerce Committee**.

H.B. 750 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 767 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ENHANCING THE MIGRANT HOUSING LAWS OF NORTH CAROLINA.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE POWERS OF THE BRUNSWICK AIRPORT COMMISSION AND TO AUTHORIZE LOCAL AIRPORT AUTHORITIES TO BORROW MONEY.

Referred to the **Finance Committee**.

H.B. 1097 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO AWARD CONTRACTS FOR THE MANAGEMENT OF SLUDGE ON THE BASIS OF FACTORS OTHER THAN COST ALONE AND TO ENTER INTO CONTRACTS THAT PROVIDE FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF SLUDGE MANAGEMENT FACILITIES BY A SINGLE ENTITY.

Referred to the **Commerce Committee**.

H.B. 1202, A BILL TO BE ENTITLED AN ACT TO CLARIFY ALTERNATIVE REPRESENTATION OF METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES.

Referred to the **Transportation Committee**.

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H.B. 1206 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DOMESTICALLY PROPAGATED WATERFOWL AND GAME BIRDS IN DOG TRAINING UNDER CERTAIN CONDITIONS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1213, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES MAY HAVE THOSE CHARGES EXPUNGED IF THE ALLEGED OFFENSES OCCURRED WITHIN THE SAME TWELVE-MONTH PERIOD OF TIME AND THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT.

Referred to the **Judiciary II Committee**.

H.B. 1266, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT THE DEPARTMENT OF TRANSPORTATION WILL PAY AS RELOCATION ASSISTANCE FOR REASONABLE EXPENSES FOR SEARCHING FOR A REPLACEMENT BUSINESS OR FARM, AS REQUIRED BY FEDERAL REGULATION.

Referred to the **Transportation Committee**.

H.B. 1271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS.

Referred to the **Commerce Committee**.

H.B. 1280 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE GENERAL ASSEMBLY ON STRATEGIES TO BEST UTILIZE FEDERAL FUNDS FOR RAIL IMPROVEMENTS SUCH AS SERVICE TO WESTERN AND SOUTHEASTERN NORTH CAROLINA AND RESTORATION OF THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1332, A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES.

Referred to the **Commerce Committee**.

H.B. 1375 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATING TO CHILD SUPPORT ENFORCEMENT IN ORDER TO CLARIFY AND ENHANCE THOSE LAWS.

Referred to the **Judiciary II Committee**.

H.B. 1430 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING AREA.

Referred to the **Judiciary II Committee**.

H.B. 1485, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SEARCH WARRANTS MAY BE OBTAINED BY AUDIO/VIDEO TRANSMISSIONS.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:48 P.M.

SIXTY-FOURTH DAY

Senate Chamber
Tuesday, May 17, 2005

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 Dr. Carl Manuel, Jr. of New Goshen United Methodist Church, Greensboro, North Carolina as follows:

"Lord we come on this day first to give you thanks for allowing us to see a day in which we have never seen before. Thank you for this opportunity that your Holy Spirit has come in this State of North Carolina as they continue to carry on the business of this State. We thank you for all that you have done and we ask that you continue to be with each one of us. Those in these chambers, the Senators, the Lieutenant Governor, all of the North Carolina citizens. And we ask that you ever be remindful of us that lo I am with you, even unto the end of the age when all power is in your hands. All these prayers and petitions we ask in thy name. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, May 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 privileges of the floor to Dr. Gerald A. Maccioli from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Kathleen O'Connor from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

May 17, 2005

H.B. 540, AN ACT TO AMEND THE HALIFAX COUNTY TOURISM AND DEVELOPMENT TAX AND TO IMPLEMENT A TOURISM AND DEVELOPMENT TAX FOR THE CITY OF ROANOKE RAPIDS.

H.B. 871, AN ACT TO ALLOW THE TOWN OF EMERALD ISLE TO IMPOSE A CANAL DREDGING FEE.

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. 489, AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY VARIOUS COUNTIES AND MUNICIPALITIES. (Became law upon ratification, May 16, 2005 - S.L. 2005-41.)

H.B. 811, AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT COUNTY. (Became law upon ratification, May 16, 2005 - S.L. 2005-42.)

H.B. 860, AN ACT TO CHANGE THE NAME OF THE GOVERNING BOARD OF THE TOWN OF BAKERSVILLE FROM THE BOARD OF ALDERMEN TO THE TOWN COUNCIL, TO PROVIDE THAT THE MAYOR SHALL BE ELECTED TO A FOUR-YEAR TERM, AND TO PROVIDE THAT THE TOWN COUNCIL SHALL BE ELECTED FOR TWO- AND FOUR-YEAR TERMS. (Became law upon ratification, May 16, 2005 - S.L. 2005-43.)

H.B. 962, AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE. (Became law upon ratification, May 16, 2005 - S.L. 2005-44.)

H.B. 987, AN ACT AUTHORIZING THE TOWNS OF CRAMERTON AND GRIFTON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWN'S WEEDED LOT ORDINANCE. (Became law upon ratification, May 16, 2005 - S.L. 2005-45.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER LANDS ACQUIRED BY THE FEDERAL GOVERNMENT, with a favorable report.

May 17, 2005

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 772, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COMPUTER-ASSISTED REMOTE HUNTING, with a favorable report.

COURTESIES

Upon motion of Senator Purcell the President extends the courtesies of the gallery to the Hmong, Mountain People from Laos; the Montagnards, Mountain People from Viet Nam; and the Laotians, Lowlanders from Laos.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE STATUTES THAT ADDRESS STATUTORY LIENS ON REAL PROPERTY.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 19.

S.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATAUGA COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 339 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

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Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 125, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 44, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The bill is ordered enrolled.

H.B. 278, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WALKERTOWN, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 44, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The bill is ordered enrolled.

May 17, 2005

H.B. 478, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF TOBACCOVILLE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 44, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The bill is ordered enrolled.

H.B. 498, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 44, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The bill is ordered enrolled.

H.B. 843 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The Committee Substitute bill is ordered enrolled.

H.B. 986 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITIES OF GREENVILLE AND ELIZABETH CITY AND THE TOWNS OF AYDEN, SURF CITY, AND WINDSOR, upon third reading.

May 17, 2005

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF BURLINGTON AND TO ANNEX IT TO THE TOWN OF GIBSONVILLE, ALL AS REQUESTED BY THE TWO 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 705 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD.

Upon motion of Senator Rand, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 929 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETER ESCAPES FROM CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BY MAKING IT A CRIMINAL OFFENSE TO ESCAPE, OR ATTEMPT TO ESCAPE, IF THE

PERSON IN CUSTODY IS AGE EIGHTEEN OR OVER, AND TO INCREASE THE PENALTY FOR ESCAPE FROM COUNTY OR CITY JAILS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1058 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF THE CRIMINAL OFFENSE OF ASSAULT ON AN ASSISTANCE ANIMAL AND TO REQUIRE RESTITUTION.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

H.B. 686 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE LAW ALLOWING SERVICE ANIMALS IN TRAINING TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS.

The Senate Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 681 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES.

Senator Hoyle offers Amendment No. 1.

Upon motion of Senator Hoyle, the President orders, without objection, the Committee Substitute bill temporarily displaced, with Amendment No. 1 pending.

S.B. 705 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD, temporarily displaced earlier.

Upon motion of Senator Nesbitt, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 681 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES, temporarily displaced earlier with Amendment No. 1 pending.

Amendment No. 1 is adopted (36-11).

The Committee Substitute bill, as amended, passes its third reading (44-3) and is ordered engrossed and sent to the House of Representatives.

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WITHDRAWAL FROM COMMITTEE

S.B. 88, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 9.

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 & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

S.B. 912, A BILL TO BE ENTITLED AN ACT DIRECTING THE PUBLIC SCHOOLS TO TEACH PERSONAL FINANCIAL LITERACY TO HIGH SCHOOL STUDENTS, referred to the **Rules and Operations of the Senate Committee** on March 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Education/Higher Education Committee**.

S.B. 246, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 1.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

S.B. 247, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 1.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Commerce Committee**.

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REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Opportunities and Needs for Economic Growth in NC (ONE NC) Committee**:

S.B. 676, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM'S BIONETWORK INITIATIVE, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

Upon motion of Senator Dannelly, seconded by Senator Rand, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, May 18, at 2:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 630 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MANUFACTURED HOMES ESCROW ACCOUNTS.

Referred to the **Commerce Committee**.

H.B. 683 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO ENSURE THAT STUDENTS IN GRADES EIGHT THROUGH TWELVE RECEIVE ANNUAL INSTRUCTION OR INFORMATION ABOUT THE MANNER IN WHICH A PARENT MAY LAWFULLY ABANDON A NEWBORN BABY WITH A RESPONSIBLE PERSON.

Referred to the **Education/Higher Education Committee**.

H.B. 689 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD AND BEVERAGES TAX BY VOTE OF THE PEOPLE.

Referred to the **Finance Committee**.

H.B. 800 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING VENDORS BIDDING ON STATE CONTRACTS TO DISCLOSE WHETHER SERVICES WILL BE PERFORMED OUTSIDE THE UNITED STATES.

Referred to the **State & Local Government Committee**.

H.B. 820 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LENGTHEN THE FOX TRAPPING SEASON IN PERSON COUNTY AND TO ELIMINATE THE SEASON BAG LIMITS ON THAT SEASON.

Referred to the **State & Local Government Committee**.

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H.B. 833, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO SET NONACADEMIC CRITERIA FOR ADMISSION INTO CERTAIN PROGRAMS.

Referred to the **Education/Higher Education Committee**.

H.B. 896, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE STATE BAR WITH AN APPEAL OF RIGHT FROM FINAL ORDERS OF THE DISCIPLINARY HEARING COMMISSION AND TO INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL MEMBERSHIP FEES FOR MEMBERS OF THE STATE BAR.

Referred to the **Judiciary I Committee** and upon a favorable report re-referred to **Finance Committee**.

H.B. 966, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DURHAM COUNTY BOARD OF ELECTIONS TO MOVE TWO PRECINCT BOUNDARIES.

Referred to the **State & Local Government Committee**.

H.B. 1047, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WRIGHTSVILLE BEACH TO ALLOW THE TOWN TO APPOINT A BOARD OF ADJUSTMENT AS PROVIDED BY GENERAL LAW.

Referred to the **State & Local Government Committee**.

H.B. 1120 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO OFFICIALLY ACKNOWLEDGE THE IMPORTANCE OF NEIGHBORHOOD CRIME WATCH PROGRAMS AND TO ESTABLISH A CRIMINAL PENALTY FOR HARASSMENT OF A MEMBER OF A NEIGHBORHOOD CRIME WATCH PROGRAM.

Referred to the **Judiciary II Committee**.

H.B. 1217, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES.

Referred to the **Finance Committee**.

H.B. 1299 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT THE COST OF REPAIR WORK CONSISTS OF WHEN DETERMINING WHETHER THE COST OF REPAIR WORK IS SUFFICIENT TO REQUIRE A MOTOR VEHICLE REPAIR SHOP TO PREPARE A WRITTEN REPAIR ESTIMATE.

Referred to the **Commerce Committee**.

H.B. 1411 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CAP FOR THE AMOUNT FINANCED THAT FALLS WITHIN THE MEANING OF A CONSUMER CREDIT SALE IN ORDER TO REFLECT THE INCREASE IN THE COST OF CONSUMER GOODS AND SERVICES DUE TO INFLATION.

Referred to the **Commerce Committee**.

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H.J.R. 1582 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. AND THE APPOINTMENT OF DR. ROBERT K. KOGER TO THE UTILITIES COMMISSION.

Referred to the **Rules and Operations of the Senate Committee.**

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 2:59 P.M.

SIXTY-FIFTH DAY

Senate Chamber
Wednesday, May 18, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we are grateful for the times that you bring peace and harmony to the Senate. But for the occasions when your very presence has the opposite effect and we are challenged to engage in debate from very different perspectives. Let us also be thankful. Helen Keller captured this Biblical perspective well when she said, 'This is a time for a loud voice, open speech, and fearless thinking. I rejoice that I live in such a splendidly disturbing time.' Thank you for being present with us in the calm in the storm. Amen."

The Chair grants leaves of absence for today to Senator Hoyle and Senator Kinnaird.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, 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 privileges of the floor to Dr. A. Gray Bullard from Concord, 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.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

May 18, 2005

S.B. 572, AN ACT TO CREATE A LICENSURE CATEGORY FOR ASSISTED LIVING COMMUNITIES THAT SERVE ONLY ELDERLY ADULTS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 125, AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

H.B. 278, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WALKERTOWN.

H.B. 478, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF TOBACCOVILLE.

H.B. 498, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE.

H.B. 843, AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 540, AN ACT TO AMEND THE HALIFAX COUNTY TOURISM AND DEVELOPMENT TAX AND TO IMPLEMENT A TOURISM AND DEVELOPMENT TAX FOR THE CITY OF ROANOKE RAPIDS. (Became law upon ratification, May 17, 2005 - S.L. 2005-46.)

H.B. 871, AN ACT TO ALLOW THE TOWN OF EMERALD ISLE TO IMPOSE A CANAL DREDGING FEE. (Became law upon ratification, May 17, 2005 - S.L. 2005-47.)

H.B. 415, AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DURING THE 2004-2005 SCHOOL YEAR IN LOCAL SCHOOL ADMINISTRATIVE UNITS LOCATED IN WHOLE OR IN PART IN THE COUNTIES THAT THE PRESIDENT OF THE UNITED STATES DECLARED TO BE DISASTER AREAS FOR HURRICANES FRANCES AND IVAN. (Became law upon approval of the Governor, May 17, 2005 - S.L. 2005-48.)

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 590, A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55230, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Bingham for the **Health Care Committee**:

H.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Garwood for the **Education/Higher Education Committee**:

H.B. 583, A BILL TO BE ENTITLED AN ACT DESIGNATING THE COMMUNITY COLLEGE SYSTEM AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80406, which changes the title upon concurrence to read **H.B. 583** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DESIGNATING THE COMMUNITY COLLEGES SYSTEM OFFICE AS THE PRIMARY LEAD

May 18, 2005

AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE, AND TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 574, A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35226, is adopted and engrossed.

S.B. 991, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75311, is adopted and engrossed.

S.B. 1032, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS THAT INHERENTLY DANGEROUS ANIMALS POSE AND TO PROTECT THE WELFARE OF INHERENTLY DANGEROUS ANIMALS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55232, which changes the title to read **S.B. 1032** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DETERMINE THE BEST MEANS OF PROTECTING THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS POSED BY INHERENTLY DANGEROUS ANIMALS, is adopted and engrossed.

By Senator Garrou for the **Appropriations/Base Budget Committee**:

S.B. 967, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ONE NORTH CAROLINA SMALL BUSINESS FUND AND TO APPROPRIATE FUNDS TO THE ONE NORTH CAROLINA FUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75313, which changes the title to read **S.B. 967** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ONE NORTH CAROLINA SMALL BUSINESS FUND AND TO EXTEND THE SUNSET ON THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, is adopted and engrossed.

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CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 805, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 25.

H.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER LANDS ACQUIRED BY THE FEDERAL GOVERNMENT.

The Committee Substitute bill passes its second (45-3) and third readings and is ordered enrolled and sent to the Governor.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.J.R. 852 (Committee Substitute), A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE CITY OF NEWTON ON THE CITY'S ONE HUNDRED FIFTIETH ANNIVERSARY.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

WITHDRAWAL FROM COMMITTEE

H.B. 966, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DURHAM COUNTY BOARD OF ELECTIONS TO MOVE TWO PRECINCT BOUNDARIES, referred to the **State & Local Government Committee** on May 17.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State & Local Government Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State & Local Government Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

CALENDAR (*continued*)

H.J.R. 852 (Committee Substitute), A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE CITY OF NEWTON ON THE CITY'S ONE HUNDRED FIFTIETH ANNIVERSARY, placed earlier on today's Calendar.

Upon motion of Senator Allran, the joint resolution is read in its entirety.

The joint resolution passes its second (48-0) and third readings and is ordered enrolled.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1015, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION, with a favorable report.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 532, A BILL TO BE ENTITLED AN ACT TO MAKE LARCENY FROM A CONSTRUCTION SITE A FELONY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55231, which changes the title to read **S.B. 532** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AGGRAVATE THE PENALTY FOR THE LARCENY, POSSESSION, OR RECEIVING OF GOODS VALUED AT MORE THAN THREE HUNDRED DOLLARS FROM A PERMITTED CONSTRUCTION SITE, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 772, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COMPUTER-ASSISTED REMOTE HUNTING.

The bill passes its second (47-1) and third readings and is ordered enrolled and sent to the Governor.

REMOVAL OF BILL CO-SPONSOR

Senator Stevens requests that he be removed as a sponsor of previously introduced legislation:

S.B. 684, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INVESTMENT INCENTIVE AND AN APPROPRIATION FOR AN ADVANCED VEHICLE RESEARCH CENTER AND AUTOMOTIVE PROVING GROUND IN NORTHAMPTON COUNTY AND TO MAKE TECHNICAL CORRECTIONS.

Upon motion of Senator Basnight, seconded by Senator Holloman, the Senate adjourns subject to receipt of committee reports and reading messages from the House of Representatives, to meet tomorrow, May 19, at 11:00 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 23 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD

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WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 569 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC VIOLENCE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 818, A BILL TO BE ENTITLED AN ACT RELATING TO THE CURRENT STATUS OF DRIVERS AS EMPLOYEES OR INDEPENDENT CONTRACTORS UNDER THE WORKERS' COMPENSATION ACT.

Referred to the **Commerce Committee**.

H.B. 944 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE SALUTE TO THE FLAG OF NORTH CAROLINA AS THE OFFICIAL PLEDGE TO THE STATE FLAG.

Referred to the **State & Local Government Committee**.

H.B. 1005, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE.

Referred to the **Finance Committee**.

H.B. 1102, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS, AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M.

Referred to the **Judiciary I Committee**.

H.B. 1115 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO CHANGE THE DEADLINE FOR FILING A PROTEST FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING PLACES ON ELECTION DAY; TO CHANGE THE REQUIREMENT FOR A STATEWIDE UNAFFILIATED CANDIDATE TO CONFORM TO A FEDERAL COURT DECISION; TO PROHIBIT PIECE

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PAYMENT FOR VOTER REGISTRATION DRIVES; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW FOR THE CANCELLATION OF A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR AND CHANGE OTHER RELATED DATES; TO CLARIFY HOW WINNERS OF ELECTIONS SHALL BE DETERMINED; AND TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS, AS RECOMMENDED BY THE HOUSE COMMITTEE ON ELECTION LAWS AND CAMPAIGN FINANCE REFORM.

Referred to the **Judiciary I Committee**.

H.B. 1357 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ACUPUNCTURE LICENSING BOARD TO EMPLOY CERTAIN PROFESSIONAL ADVISORS; TO CLARIFY QUALIFICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL, AND INACTIVE, SUSPENDED, EXPIRED, AND LAPSED LICENSES; TO CLARIFY CONTINUING EDUCATION; AND TO INCREASE AND ESTABLISH CERTAIN FEES.

Referred to the **Health Care Committee** and upon a favorable report re-referred to the **Finance Committee**.

H.B. 1432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING CERTIFICATIONS BY REGISTERS OF DEEDS.

Referred to the **Judiciary II Committee**.

H.B. 1467 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECOVERY OF ATTORNEYS' FEES AGAINST CUSTODIANS WHO FAIL TO COMPLY WITH THE TRANSFER PROVISIONS OF THE NORTH CAROLINA UNIFORM TRANSFERS TO MINORS ACT.

Referred to the **Judiciary II Committee**.

H.B. 1552, A BILL TO BE ENTITLED AN ACT TO EXTEND THE REGULATORY AUTHORITY OVER CAMPUS PARKING TO THE BOARD OF TRUSTEES OF NORTH CAROLINA A&T STATE UNIVERSITY.

Referred to the **Education/Higher Education Committee**.

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H.J.R. 1579, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLARENCE E. "BIG HOUSE" GAINES, SR., LEGENDARY BASKETBALL COACH.

Referred to the **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 393, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS, with a favorable report.

H.B. 1080, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES, with a favorable report.

S.B. 249, A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75295, which changes the title to read **S.B. 249** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, is adopted and engrossed.

S.B. 525, A BILL TO BE ENTITLED AN ACT RELATING TO NASCAR HALL OF FAME FINANCING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85248, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Bingham for the **Health Care Committee**:

S.B. 1074, A BILL TO BE ENTITLED AN ACT TO MAKE STATUTORY CHANGES TO IMPROVE QUALITY AND SAFETY IN HOME CARE SERVICES, MENTAL HEALTH FACILITIES, ADULT CARE HOMES, AND CERTAIN HOSPITAL FACILITIES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

May 18, 2005

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35227, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:44 P.M.

SIXTY-SIXTH DAY

Senate Chamber
Thursday, May 19, 2005

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, seeing all the children in the gallery today reminds me that as a child in elementary school, I had a ruler at my desk on which was written: 'Do unto others as you would have others do unto you.' The Golden Rule. I even think the school gave us the rulers. It was a different world then. Here in the Senate, where cameras and microphones are ever present and the members are subject to a more high profile existence, Holy Scripture reminds us that the best portion of a good person's life are his or her unnoticed, nameless and often unremembered acts of kindness and love done in your behalf. We may live in a different world today, but Holy Scripture is timeless. Help us to do good to others for your sake. Amen."

The Chair grants leaves of absence for today to Senator Garwood, Senator Hoyle and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, 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 privileges of the floor to Dr. Barry Ostrow from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Rebecca Lindsey from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

May 19, 2005

H.B. 231, AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER TO CLARIFY THAT THE CONTROLLER MAY CONDUCT COMPLIANCE REVIEWS OF STATE AGENCIES AND TO EXEMPT THE WORKING PAPERS FROM THOSE REVIEWS FROM THE PUBLIC RECORDS LAWS.

H.B. 236, AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER LANDS ACQUIRED BY THE FEDERAL GOVERNMENT.

H.B. 772, AN ACT TO PROHIBIT COMPUTER-ASSISTED REMOTE HUNTING.

The Enrolling Clerk reports the following bill and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1028, AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY AND AMENDING THE CHARTER OF THE TOWN OF CLAREMONT TO PROVIDE FOUR-YEAR TERMS FOR THE OFFICE OF MAYOR.

H.J.R. 852, A JOINT RESOLUTION HONORING THE EARLY RESIDENTS OF THE CITY OF NEWTON ON THE CITY'S ONE HUNDRED FIFTIETH ANNIVERSARY. (Res. 32)

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. 125, AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, May 18, 2005 - S.L. 2005-49.)

H.B. 278, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WALKERTOWN. (Became law upon ratification, May 18, 2005 - S.L. 2005-50.)

H.B. 478, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF TOBACCOVILLE. (Became law upon ratification, May 18, 2005 - S.L. 2005-51.)

H.B. 498, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF TAYLORSVILLE. (Became law upon ratification, May 18, 2005 - S.L. 2005-52.)

May 19, 2005

H.B. 843, AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, May 18, 2005 - S.L. 2005-53.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Holloman for the **State & Local Government Committee**:

H.B. 827, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO REGULATE GOLF CARTS, with a favorable report.

H.B. 941, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO REMOVE ABANDONED AIRPLANES FROM PUBLIC PROPERTY, with a favorable report.

S.B. 88, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85246, which changes the title to read **S.B. 88** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE APPLICABILITY OF CERTAIN MOTOR VEHICLE LAWS ON PROPERTIES OWNED OR UNDER THE CONTROL OF THE BENT TREE PLANTATION HOMEOWNERS ASSOCIATION IN BRUNSWICK COUNTY, is adopted and engrossed.

S.B. 491, A BILL TO BE ENTITLED AN ACT RELATING TO BURIAL SERVICES AT STATE VETERANS CEMETERIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55235, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hunt, Jacumin, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Webster—46.

May 19, 2005

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 23, upon third reading.

H.B. 393, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hunt, Jacumin, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Webster—46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 23, upon third reading.

H.B. 1080, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hunt, Jacumin, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Webster—46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 23, upon third reading.

WITHDRAWAL FROM COMMITTEE

S.B. 525, A BILL TO BE ENTITLED AN ACT RELATING TO NASCAR HALL OF FAME FINANCING, re-referred to the **Appropriations/Base Budget Committee** on May 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the 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 bill withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

CALENDAR *(continued)*

S.B. 967 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ONE NORTH CAROLINA SMALL BUSINESS FUND

May 19, 2005

AND TO EXTEND THE SUNSET ON THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM.

Upon motion of Senator Dalton, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 24.

S.B. 532 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AGGRAVATE THE PENALTY FOR THE LARCENY, POSSESSION, OR RECEIVING OF GOODS VALUED AT MORE THAN THREE HUNDRED DOLLARS FROM A PERMITTED CONSTRUCTION SITE.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 574 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DETERMINE THE BEST MEANS OF PROTECTING THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS POSED BY INHERENTLY DANGEROUS ANIMALS.

Upon motion of Senator Forrester, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 23.

S.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE STATUTES THAT ADDRESS STATUTORY LIENS ON REAL PROPERTY.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 991 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

The Committee Substitute bill passes its second (40-7) and third readings and is ordered sent to the House of Representatives.

H.B. 583 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DESIGNATING THE COMMUNITY COLLEGES SYSTEM OFFICE AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE, AND TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES.

The Senate Committee Substitute bill passes its second reading (47-0).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, May 23.

May 19, 2005

H.B. 1015, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 525, A BILL TO BE ENTITLED AN ACT RELATING TO NASCAR HALL OF FAME FINANCING, placed earlier on today's Calendar.

Senator Clodfelter offers Amendment No. 1 which is adopted (47-0).

The Chair grants a leave of absence for the remainder of today's session to Senator Hunt.

Senator Brock announces a pair vote. If Senator Hunt were present, he would vote "aye"; Senator Brock votes "no".

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas and Tillman—42.

Voting in the negative: Senators East, Presnell and Webster—3.

Upon motion of Senator Clodfelter, the Committee Substitute bill, as amended, is ordered engrossed before third reading. The Committee Substitute bill, as amended, remains on the Calendar for Monday, May 23, upon third reading.

WITHDRAWAL FROM COMMITTEE

S.B. 1057, A BILL TO BE ENTITLED AN ACT TO ENACT THE EDUCATION AND ECONOMIC COMPETITIVENESS ACT OF 2005, referred to the **Appropriations/Base Budget Committee** on March 24.

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 **Education/Higher Education 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 **Education/Higher Education Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Shaw for the **Transportation Committee**:

S.B. 1077, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE DURATION OF A MOTORCYCLE LEARNER'S PERMIT AND TO SET THE FEE FOR THE PERMIT, with a favorable report.

May 19, 2005

H.B. 761, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR CARRIER SAFETY STATUTES, with a favorable report.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns subject to receipt of messages from the House of Representatives and reading of Executive Orders, to meet Monday, May 23, at 7:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 92, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 395 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DIVISION OF FOREST RESOURCES AS AN EMERGENCY RESPONSE AGENCY.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 643 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF ANY DEVICE DESIGNED TO PREVENT THE DETECTION OF A DRIVING VIOLATION.

Referred to the **Judiciary I Committee**.

H.B. 673 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT, TO REQUIRE THE COMMISSIONER OF INSURANCE TO REPORT WHETHER CONTINUED PARTICIPATION BY THIS STATE IN THE COMPACT IS IN THE BEST INTEREST OF THE CITIZENS AND POLICYHOLDERS OF THIS STATE, AND TO PROVIDE A SUNSET FOR PARTICIPATION IN THE COMPACT.

Referred to the **Commerce Committee**.

H.B. 779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR AIDING AND ABETTING A STUDENT'S UNLAWFUL ABSENCE FROM SCHOOL.

Referred to the **Education/Higher Education Committee**.

H.B. 926 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONCEAL THE DEATH OF A PERSON.

Referred to the **Judiciary I Committee**.

May 19, 2005

H.B. 1024 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE INSTANT RUNOFF METHOD OF VOTING WOULD BE USED IN LOCAL ELECTIONS.

Referred to the **Judiciary I Committee**.

EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows (*See Appendix.*):

Executive Order Number 74, Replacing Executive Orders No. 75 and 118 concerning creation of a program office, a policy board, and advisory committees to support sustainable natural resource and environmental management in the Albemarle-Pamlico Estuarine System.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:56 A.M.

SIXTY-SEVENTH DAY

Senate Chamber
Monday, May 23, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father, if our calendars are not already full for this week, surely they will be soon. Remind us that the time we spend fulfilling our personal commitments to others should not differ from the time we spend fulfilling our personal commitment to you. In the noise and 'busyness' generated by the hectic pace of our lives we possess in you a source of great tranquility and a peace to calm even in the midst of such a hurried pace. We're grateful that in you we live, we move and we have our being. Amen."

The Chair grants leaves of absence for tonight to Senator Dannelly, Senator Hartsell, Senator Nesbitt and Senator Thomas.

Senator Rand announces that the Journal of Thursday, 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.

May 23, 2005

The President Pro Tempore of the Senate extends privileges of the floor to Mary Baer from Charlotte, 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**:

S.B. 998, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PROVISION OF THE COASTAL HABITAT PROTECTION PLAN BY PROVIDING FOR GREATER FLEXIBILITY IN THE USE OF FUNDS FROM THE RIPARIAN BUFFER RESTORATION FUND TO CONSTRUCT ALTERNATIVE MEASURES TO REDUCE NUTRIENT LOADING AND BY PROVIDING THAT IF A LAND-DISTURBING ACTIVITY LEAVES AN EXPOSED SLOPE, THE SLOPE SHALL BE PLANTED WITH TEMPORARY OR PERMANENT GROUND COVER WITHIN TWENTY-ONE CALENDAR DAYS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35225, is adopted and engrossed.

S.B. 1156, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 106 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO AGRICULTURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35228, which changes the title to read **S.B. 1156** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA DAIRY STABILIZATION AND GROWTH FUND TO PROVIDE CRITICAL SUPPORT FOR THE NORTH CAROLINA DAIRY INDUSTRY, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1015, AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

May 23, 2005

H.B. 1028, AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO ELECT A MAYOR PRO TEMPORE FROM ITS FULL MEMBERSHIP AND REPEALING CERTAIN ELECTION PROCEDURES TO ALLOW THE GENERAL LAW ON ELECTIONS TO APPLY AND AMENDING THE CHARTER OF THE TOWN OF CLAREMONT TO PROVIDE FOUR-YEAR TERMS FOR THE OFFICE OF MAYOR. (Became law upon ratification, May 19, 2005 - S.L. 2005-54.)

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 319, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND MAKING CONFORMING CHANGES TO THE WORKERS' COMPENSATION LAWS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75312, is adopted and engrossed.

S.B. 1048, A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65319, is adopted and engrossed.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

May 23, 2005

H.B. 393, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1080, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 88 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE APPLICABILITY OF CERTAIN MOTOR VEHICLE LAWS ON PROPERTIES OWNED OR UNDER THE CONTROL OF THE BENT TREE PLANTATION HOMEOWNERS ASSOCIATION IN BRUNSWICK COUNTY.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

H.B. 827, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO REGULATE GOLF CARTS.

The bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 941, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO REMOVE ABANDONED AIRPLANES FROM PUBLIC PROPERTY.

The bill passes its second (46-0) and third readings and is ordered enrolled.

May 23, 2005

S.B. 525 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO NASCAR HALL OF FAME FINANCING, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dorsett, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—42.

Voting in the negative: Senators Brock, East, Presnell and Webster—4.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

S.B. 491 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO BURIAL SERVICES AT STATE VETERANS CEMETERIES.

Senator Berger of Franklin offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DETERMINE THE BEST MEANS OF PROTECTING THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS POSED BY INHERENTLY DANGEROUS ANIMALS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1077, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE DURATION OF A MOTORCYCLE LEARNER'S PERMIT AND TO SET THE FEE FOR THE PERMIT.

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is re-referred to the **Finance Committee**.

H.B. 761, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR CARRIER SAFETY STATUTES.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 583 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DESIGNATING THE COMMUNITY COLLEGES SYSTEM OFFICE AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE, AND TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES.

The Senate Committee Substitute bill passes its third reading (46-0) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

May 23, 2005

WITHDRAWAL FROM COMMITTEE

H.J.R. 774, A JOINT RESOLUTION HONORING THOSE WHO CONTRIBUTED TO THE CONSTRUCTION OF THE DISMAL SWAMP CANAL ON THE TWO HUNDREDTH ANNIVERSARY OF THIS HISTORIC LANDMARK, referred to the **Rules and Operations of the Senate Committee** on May 11.

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, May 25, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, May 25.

S.B. 320 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF THE UNIFORM JUROR FEE AND TO DESIGNATE THE WAIVED FEES TO BE USED FOR SPECIFIED SERVICES, referred to the **Appropriations/Base Budget Committee** on March 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Wednesday, May 25, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Wednesday, March 25.

Upon motion of Senator Rand, seconded by Senator Hagan, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, May 24, at 2:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 1076 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL.

Referred to the **Education/Higher Education Committee**.

H.B. 1121, A BILL TO BE ENTITLED AN ACT SHORTENING THE TIME WITHIN WHICH HEALTH CARE PROVIDERS ARE PROHIBITED FROM DIRECT SOLICITATION OF PROSPECTIVE PATIENTS.

Referred to the **Health Care Committee**.

May 23, 2005

H.B. 1128 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE TRAINING FOR CAMPAIGN TREASURERS; TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO SET A THREE-YEAR TIME LIMIT BEFORE ANY UNPAID DEBT IN A CAMPAIGN IS DEEMED TO BE A CONTRIBUTION; TO INCLUDE VACANCY ELECTIONS AND NONPARTISAN RUNOFFS IN THE DEFINITION OF "ELECTION" FOR PURPOSES OF CONTRIBUTION LIMITS; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO LIMIT THE USE OF CREDIT CARDS FOR PAYMENT OF EXPENDITURES IN PUBLICLY FUNDED JUDICIAL CAMPAIGNS; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; AND TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT.

Referred to the **Judiciary I Committee**.

H.B. 1189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT FONTANA LAKE AND THE WATERS DRAINING TO THE NORTH SHORE OF FONTANA LAKE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST MAY FILE AN AFFIDAVIT FOR INVOLUNTARY COMMITMENT WITH THE CLERK OR MAGISTRATE EITHER BY HAND DELIVERY OF THE ORIGINAL AFFIDAVIT OR BY FACSIMILE TRANSMISSION OF A PAPER COPY OF THE AFFIDAVIT.

Referred to the **Judiciary II Committee**.

H.B. 1226, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING INSPECTION, REVIEW, AND EXAMINATION OF PRISON FACILITIES CONSTRUCTED THROUGH LEASE-PURCHASE AGREEMENT.

Referred to the **Commerce Committee**.

H.B. 1279 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SPEEDING TO ELUDE ARREST STATUTES TO CLARIFY THE PROXIMATE CAUSE REQUIREMENT WHEN THE OFFENSE RESULTS IN DEATH.

Referred to the **Judiciary I Committee**.

May 23, 2005

H.B. 1301 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO REQUIRE LICENSEES TO DEMONSTRATE CONTINUING COMPETENCE IN THE PRACTICE OF PHYSICAL THERAPY.

Referred to the **Health Care Committee**.

H.B. 1310 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT STUDENTS TO USE THEIR SAT SCORES OR PRAXIS I SCORES TO QUALIFY FOR ADMISSION TO TEACHER EDUCATION PROGRAMS.

Referred to the **Education/Higher Education Committee**.

H.B. 1328, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF OFFICIAL RECORDS WHEN A PERSON IS GRANTED A PARDON OF INNOCENCE.

Referred to the **Judiciary II Committee**.

H.B. 1400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR PASSING A STOPPED SCHOOL BUS AND TO MAKE SCHOOL BUS STOPS SAFER.

Referred to the **Judiciary II Committee**.

H.B. 1464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE LAW PROVIDING FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR CERTAIN PROJECTS OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE REPORTS ON ACTIONS TAKEN UNDER THAT LAW.

Referred to the **Commerce Committee**.

H.B. 1465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF MOTOR VEHICLE OIL FILTERS, RIGID PLASTIC CONTAINERS, AND WOODEN PALLETS IN LANDFILLS.

Referred to the **Commerce Committee**.

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 7:57 P.M.

SIXTY-EIGHTH DAY

Senate Chamber
Tuesday, May 24, 2005

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 Doug Small, Alive Ministries, Kannapolis, North Carolina as follows:

May 24, 2005

"May the Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for peace and prosperity. I shall need, too, the favor of the Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessaries and comforts of life; the God who has covered our infancy with His providence and our riper years with His wisdom and power, and to whose goodness I ask you to join in supplications with me that He will so enlighten the minds of your servants, guide their councils, and prosper their measures that whatsoever they do shall result in your good and secure to you the peace, friendship, and approbation of all nations.

"Almighty God, you've given us this good land for our heritage. We humbly beseech Thee that we would always prove ourselves a people mindful of Thy favor and glad to do your will. Bless our land with honorable ministry, sound learning, and pure manners. Save us from violence, discord, and confusion, from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people, the multitude brought here out many kindreds and tongues. Endow with Thy spirit of wisdom those whom in Thy name we entrust the authority of government, that there may be justice and peace at home, and that through obedience to your law, we may show your praise among the nations of the earth. In time of prosperity fill our hearts with thankfulness and in the day of trouble, suffer not our trust in you to fail; continuing to pray the words of Jefferson all of which we ask through Jesus Christ our Lord, Amen."

Originally written by Thomas Jefferson; prayed on March 4, 1801 in Washington, DC.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, May 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Robin Cummings from Pinehurst, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 510, AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT.

H.B. 761, AN ACT TO AMEND THE MOTOR CARRIER SAFETY STATUTES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

May 24, 2005

H.B. 393, AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS.

H.B. 827, AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO REGULATE GOLF CARTS.

H.B. 941, AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO REMOVE ABANDONED AIRPLANES FROM PUBLIC PROPERTY.

H.B. 1080, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 319 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND MAKING CONFORMING CHANGES TO THE WORKERS' COMPENSATION LAWS.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, May 25.

S.B. 967 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ONE NORTH CAROLINA SMALL BUSINESS FUND AND TO EXTEND THE SUNSET ON THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM.

Upon motion of Senator Dalton, the President orders, without objection, the Committee Substitute bill temporarily displaced.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 846, A BILL TO BE ENTITLED AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN REGISTER THEIR LICENSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75315, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

May 24, 2005

H.B. 1206 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DOMESTICALLY PROPAGATED WATERFOWL AND GAME BIRDS IN DOG TRAINING UNDER CERTAIN CONDITIONS, 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 50435, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 998 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PROVISION OF THE COASTAL HABITAT PROTECTION PLAN BY PROVIDING FOR GREATER FLEXIBILITY IN THE USE OF FUNDS FROM THE RIPARIAN BUFFER RESTORATION FUND TO CONSTRUCT ALTERNATIVE MEASURES TO REDUCE NUTRIENT LOADING AND BY PROVIDING THAT IF A LAND-DISTURBING ACTIVITY LEAVES AN EXPOSED SLOPE, THE SLOPE SHALL BE PLANTED WITH TEMPORARY OR PERMANENT GROUND COVER WITHIN TWENTY-ONE CALENDAR DAYS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1048 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

S.B. 343, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

S.B. 202, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **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**.

May 24, 2005

Upon motion of Senator Swindell, the President extends the courtesies of the gallery to Senator Swindell's sister, Sue Martin, who is a professor at the University of Arkansas.

The Senate recesses at 3:00 P.M. to reconvene at 3:15 P.M. subject to reading of messages from the House of Representatives.

RECESS

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 23, 2005

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. 686**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE LAW ALLOWING SERVICE ANIMALS IN TRAINING TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS, and requests conferees.

Speaker Black has appointed:

Representative Gibson, Chair
Representative Culpepper,
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 G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

May 24, 2005

H.J.R. 197, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WESLEY JONES, FORMER EDUCATOR AND INFLUENTIAL LEADER.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 329 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY FOR THOSE WHO PARTICIPATE IN AGRITOURISM ACTIVITIES.

Referred to the **Judiciary I Committee**.

H.B. 563 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

Referred to the **Education/Higher Education Committee**.

H.B. 613 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY.

Referred to the **Health Care Committee**.

H.B. 768 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA.

Referred to the **Commerce Committee**.

H.B. 967 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A VALIDLY EXECUTED HEALTH CARE POWER OF ATTORNEY AUTHORIZES THE HEALTH CARE AGENT TO EXERCISE RIGHTS WITH RESPECT TO ANATOMICAL GIFTS, AUTOPSY, OR DISPOSITION OF THE PRINCIPAL'S REMAINS, THE AUTHORIZING PROVISION WILL CONTINUE IN EFFECT AFTER THE DEATH OF THE PRINCIPAL FOR PURPOSES OF EXERCISING THE AUTHORIZED RIGHTS, TO DEFINE "DISPOSITION OF REMAINS", AND TO MAKE CONFORMING CHANGES.

Referred to the **Judiciary II Committee**.

H.B. 1248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005.

Referred to the **Judiciary I Committee**.

H.B. 1264 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT NATIONAL BOARD CERTIFIED TEACHERS TO SERVE AS SCHOOL LEADERS.

Referred to the **Education/Higher Education Committee**.

May 24, 2005

H.J.R. 1609, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM "BILL" SETH HIATT, FORMER COMMISSIONER OF THE NORTH CAROLINA DEPARTMENT OF MOTOR VEHICLES AND FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to the **Rules and Operations of the Senate Committee**.

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Upon motion of Senator Basnight, the President extends the courtesies of the gallery to E.M. Miller, Jr., Cheryl Jackson, Lisa Wallmeyer, Lynda Waddill, Amigo Wade, Joan Putney, Pat Davis, and Stephanie Bishop, employees of the Virginia Division of Legislative Services who are here participating in a legislative staff exchange with our central staff.

CALENDAR *(continued)*

S.B. 967 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ONE NORTH CAROLINA SMALL BUSINESS FUND AND TO EXTEND THE SUNSET ON THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, temporarily displaced earlier today.

Senator Dalton offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (44-6) and third readings and is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 340, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF WELDON, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 551, A BILL TO BE ENTITLED AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS, with a favorable report.

May 24, 2005

S.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATTORNEYS APPOINTED TO REPRESENT INDIGENT CLIENTS FROM THE FEE CHARGED BY THE CLERK OF COURT FOR PREPARING COPIES, with a favorable report.

WITHDRAWAL FROM COMMITTEE

S.B. 1134 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, TO DETERMINE WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO DEVELOP A RECOMMENDED GOAL, re-referred to the **Rules and Operations of the Senate Committee** on April 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, May 25, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, May 25.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Seth Averette, Lillington; Cathleen Beal, Gastonia; Austin Wright Bradshaw, Gastonia; Derek B. Breakfield, Bessemer City; Courtney Paige Cooper, Gastonia; Shera St. Clair Farmer, Gastonia; Sara Fender, Gastonia; Abigail A. Forrister, Murphy; Jaderian Gibson, Murphy; Catherine R. Guffey, Mt. Holly; Andrew R. Hopson, Cary; Katherine Marr Johnson, Greensboro; Brent Matthew Longmire, Angier; Zachary Love, Gastonia; Melanie Matthews, Greensboro; Brentlee Shawn Metcalf, Cherryville; Dena Peindl, Gastonia; Jacqueline Anne Peindl, Gastonia; Ashley Anderson Quarles, Gastonia; Stephen Rankin, Dallas; Kenneth Joshua Richardson, Kings Mountain; Andrew Paul Simpson, Cherryville; Derek Waite Taylor, Elizabethtown; Turner Vaughn, Gastonia; Meredith Wilson, Gastonia; and Randall Wink, Greensboro.

Upon motion of Senator Basnight, seconded by Senator Holloman, the Senate adjourns subject to receipt of committee reports, to meet tomorrow, May 25, at 2:00 P.M.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

May 24, 2005

By Senator Soles for the **Commerce Committee**:

S.B. 494, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REGULATION OF TELECOMMUNICATIONS SERVICES TO REFLECT THE MODERN MARKET-BASED COMPETITIVE ENVIRONMENT AND TO PRESERVE UNIVERSAL ACCESS TO BASIC TELECOMMUNICATIONS SERVICES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65321, which changes the title to read **S.B. 494** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE DEPLOYMENT OF COMPETITIVE BROADBAND SERVICE BY PUBLIC UTILITIES, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:14 P.M.

SIXTY-NINTH DAY

Senate Chamber
Wednesday, May 25, 2005

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 Dr. Bob Battle, Community Presbyterian Church, Pinehurst, North Carolina as follows:

"God of heaven and earth, you have called us to live in harmony with everything you have made. Renew within us and among us a respect for this vision so that the whole creation may resound in an anthem of praise. We thank you that you have given us this good land - the great State of North Carolina - as our heritage. And we pray that we might pass it on as an even finer thing to those who follow after. Bless all those who hold office in our State Government, and especially our Senators and those on their staff. Unite them in a common pursuit of just priorities so that all may live together as one people, the young - educated, and the old - cared for, the hungry - filled, and the homeless - housed, and the sick - comforted and healed. Grant them wisdom as they make and administer laws to build a society based on trust and respect so that each of our citizens may live in security and freedom and each may have an equal opportunity and equal chance to do their best. When times are prosperous, let our hearts be thankful, and, in troubled time, do not let our trust in you fail. Hear this our prayer, Mighty God, Amen."

May 25, 2005

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, 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 privileges of the floor to Dr. Walter L. Wright from Kinston, North Carolina, who is serving the Senate as Doctor of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 277, AN ACT TO PROVIDE FOR FAMILY ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE NEGLECTED OR DEPENDENT AND FOR INVESTIGATIVE ASSESSMENT RESPONSES IN CASES IN WHICH CHILDREN ARE REPORTED TO BE ABUSED. (Became law upon approval of the Governor, May 23, 2005 - S.L. 2005-55.)

S.B. 262, AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES. (Became law without the approval of the Governor, May 24, 2005 - S.L. 2005-56.)

H.B. 393, AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS. (Became law upon ratification, May 24, 2005 - S.L. 2005-57.)

H.B. 827, AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO REGULATE GOLF CARTS. (Became law upon ratification, May 24, 2005 - S.L. 2005-58.)

H.B. 941, AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO REMOVE ABANDONED AIRPLANES FROM PUBLIC PROPERTY. (Became law upon ratification, May 24, 2005 - S.L. 2005-59.)

H.B. 1080, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES. (Became law upon ratification, May 24, 2005 - S.L. 2005-60.)

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

May 25, 2005

S.B. 319 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND MAKING CONFORMING CHANGES TO THE WORKERS' COMPENSATION LAWS.

Upon motion of Senator Clodfelter, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 320 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF THE UNIFORM JUROR FEE AND TO DESIGNATE THE WAIVED FEES TO BE USED FOR SPECIFIED SERVICES.

Upon motion of Senator Clodfelter, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 494 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE DEPLOYMENT OF COMPETITIVE BROADBAND SERVICE BY PUBLIC UTILITIES.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 703, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE FOR RATE AND INFLATIONARY INCREASES IN STATE-FUNDED MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES THAT CORRESPOND TO RATE AND INFLATIONARY INCREASES FOR EQUIVALENT MEDICAID SERVICES, with a favorable report.

Upon motion of Senator Purcell, the bill is re-referred to the **Appropriations/ Base Budget Committee**.

H.B. 869, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS, 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 80407, which changes the title to read **H.B. 869** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS AND TO EXTEND A SPECIAL DEADLINE FOR EXEMPT ADULT HOUSING FACILITIES LOCATED IN A DOWNTOWN AREA AND BEING RELOCATED DUE TO A MAJOR ECONOMIC DEVELOPMENT PROJECT, is adopted and engrossed.

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By Senator Hagan for the **Appropriations/Base Budget Committee**:

S.B. 61, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY INCREASING THE PUNISHMENT FOR FELONY DEATH BY VEHICLE AND CREATING THE OFFENSE OF FELONY SERIOUS INJURY BY VEHICLE, with a favorable report.

S.B. 486 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES, with a favorable report.

S.B. 687, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE VOLUNTEER RESCUE/EMS FUND, with a favorable report.

S.B. 724, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEPENDENTS OF MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD PAY IN-STATE TUITION, with a favorable report.

S.B. 1067 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A DEFENSE TECHNOLOGY INNOVATION CENTER, 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, 85249, which changes the title to read **S.B. 1067** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DEVELOPMENT OF A DEFENSE TECHNOLOGY INNOVATION CENTER, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

S.B. 828, A BILL TO BE ENTITLED AN ACT TO PERMIT THE SALE OF NORTH CAROLINA WINES AT ALCOHOLIC BEVERAGE CONTROL STORES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75316, which changes the title to read **S.B. 828** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE ONE-TIME WINE SHIPPERS' APPLICATION FEE, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

S.B. 592, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL REVISIONS TO THE LAW GOVERNING INDIGENT DEFENSE AND ENTITLEMENT TO COUNSEL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55236, is adopted and engrossed.

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S.B. 594 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING RECOUPMENT FOR LEGAL SERVICES PROVIDED TO INDIGENT PERSONS WHO ARE FINANCIALLY ABLE TO PAY A PORTION OF THE VALUE OF THOSE SERVICES, 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, 85250, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 319 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND MAKING CONFORMING CHANGES TO THE WORKERS' COMPENSATION LAWS, temporarily displaced earlier.

Senator Clodfelter offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 320 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF THE UNIFORM JUROR FEE AND TO DESIGNATE THE WAIVED FEES TO BE USED FOR SPECIFIED SERVICES, temporarily displaced earlier.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 551, A BILL TO BE ENTITLED AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATTORNEYS APPOINTED TO REPRESENT INDIGENT CLIENTS FROM THE FEE CHARGED BY THE CLERK OF COURT FOR PREPARING COPIES.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 805, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

S.B. 846 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN REGISTER THEIR LICENSES.

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The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1134 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, TO DETERMINE WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO DEVELOP A RECOMMENDED GOAL.

Senator Albertson offers Amendment No. 1 which is adopted (50-0).

The Honorable Beverly E. Perdue, Lieutenant Governor relinquishes the gavel to Senator Basnight, President Pro Tempore who presides in the absence of the Lieutenant Governor.

The Committee Substitute bill, as amended, passes its second (44-6) and third readings and is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 386, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 7.

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 & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

S.B. 277, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF INSURANCE TO STUDY AND IMPLEMENT RULES FOR SELF-INSURERS TO ADDRESS THOSE ORGANIZATIONS EXEMPTED UNDER FEDERAL LAW, referred to the **Appropriations/Base Budget Committee** on March 2.

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**.

S.B. 268, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 1.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Health Care Committee**, which motion prevails with unanimous consent.

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The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Health Care Committee**.

CALENDAR *(continued)*

H.J.R. 774, A JOINT RESOLUTION HONORING THOSE WHO CONTRIBUTED TO THE CONSTRUCTION OF THE DISMAL SWAMP CANAL ON THE TWO HUNDREDTH ANNIVERSARY OF THIS HISTORIC LANDMARK.

Upon motion of Senator Basnight, the joint resolution is read in its entirety.

The joint resolution passes its second (50-0) and third readings and is ordered enrolled.

H.B. 1206 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DOMESTICALLY PROPAGATED WATERFOWL AND GAME BIRDS IN DOG TRAINING UNDER CERTAIN CONDITIONS.

The Senate Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM COMMITTEE

S.B. 1127, 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 **Ways & Means Committee** on March 24.

Pursuant to Rule 47(a), Senator Dannelly offers a motion that the bill be withdrawn from the **Ways & Means Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Ways & Means Committee** and re-refers the measure to the **State & Local Government Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee**:

S.B. 912, A BILL TO BE ENTITLED AN ACT DIRECTING THE PUBLIC SCHOOLS TO TEACH PERSONAL FINANCIAL LITERACY TO HIGH SCHOOL STUDENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65324, is adopted and engrossed.

S.B. 961, A BILL TO BE ENTITLED AN ACT PERTAINING TO SNACK AND BEVERAGE VENDING IN PUBLIC SCHOOLS, AS RECOMMENDED

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BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND 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 65325, which changes the title to read **S.B. 961** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND, is adopted and engrossed.

By Senator East for the **State & Local Government Committee**:

S.B. 1018, A BILL TO BE ENTITLED AN ACT ADOPTING THE COUGAR AS THE OFFICIAL STATE CAT OF NORTH CAROLINA, with a favorable report.

S.B. 271, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15245, which changes the title to read **S.B. 271** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLEAR PROCEEDS OF TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS IN THE CITY OF WILMINGTON TO BE PAID TO THE COUNTY SCHOOL FUND, is adopted and engrossed.

S.B. 1130, A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS EFFECTIVE JANUARY 2006, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55237, which changes the title to read **S.B. 1130** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS, is adopted and engrossed.

Upon motion of Senator Dannelly, seconded by Senator Garrou, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet tomorrow, May 26, at 11:00 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 85 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: AIR MEDAL RECIPIENT, ALPHA PHI ALPHA FRATERNITY, ARC OF NORTH CAROLINA, AUTISM SOCIETY OF NORTH CAROLINA, BUDDY PELLETIER SURFING

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FOUNDATION, COASTAL CONSERVATION ASSOCIATION, COLD WAR VETERAN, CORVETTE CLUB, GUILFORD BATTLEGROUND COMPANY, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NORTH CAROLINA AQUARIUM, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHARE THE ROAD, AND TARHEEL CLASSIC THUNDERBIRD CLUB.

Referred to the **Finance Committee**.

H.B. 874 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TITLE OF THE SAFETY AND HEALTH REVIEW BOARD UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA TO THE NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, TO CHANGE THE TITLE OF THE OFFICE OF OCCUPATIONAL SAFETY AND HEALTH TO THE OCCUPATIONAL SAFETY AND HEALTH DIVISION, AND TO RESTORE THE AUTHORITY OF THE BOARD TO ASSESS PENALTIES IN THE CASE OF AN APPEAL.

Referred to the **Health Care Committee**.

H.B. 890 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A CRIME LABORATORY OPERATED BY A LOCAL GOVERNMENT.

Referred to the **Finance Committee**.

H.B. 1025, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES.

Referred to the **Commerce Committee**.

H.B. 1136 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report re-referred to **Finance Committee**.

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H.B. 1468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE CERTAIN TELECOMMUNICATION SERVICE PROVIDERS TO BE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS.

Referred to the **Commerce Committee**.

H.B. 1502 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOLCHILDREN'S HEALTH ACT OF 2005.

Referred to the **Education/Higher Education Committee**.

H.B. 1503 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES ARE TREATED AS CITIES FOR PURPOSES OF CIVIL LIABILITY.

Referred to the **Judiciary I Committee**.

H.B. 1507, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS UNDER THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSURE ACT, TO EXPAND THE GROUP OF PERSONS WHO MAY OBTAIN A PROVISIONAL LICENSE UNDER THE ACT, AND TO AUTHORIZE THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD TO ASSESS CIVIL PENALTIES.

Referred to the **Health Care Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 911, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65323, is adopted and engrossed.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:50 P.M.

May 25, 2005

SEVENTIETH DAY

Senate Chamber
Thursday, May 26, 2005

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 Jonathan A. Minnick, Pleasant Grove United Methodist Church, Raleigh, North Carolina as follows:

"Loving and most gracious God. We come together on this gorgeous late spring morning to do the work of your people who live in this great State and call it their home. This is a good day to be alive and in community with our brothers and sisters in this room. Remind us that those common ideals and goals that bind us together are stronger than the things that divide us. We come from many places and circumstances, but we are all your children. We thank you for your grace. This morning we gather with a sense of gratefulness in our hearts and a sense of awesome responsibility in our souls. You have made us leaders; help us to lead with integrity and honesty. Help us to keep your vision of a just and compassionate world before our eyes at all times knowing that our sight is limited and our mercy inadequate. Forgive us for our inadequacies. Lord, guide us with your wisdom and humble us with your presence. Enable us to see you in the eyes of our neighbors across this land. Move us beyond pettiness and individual claims and allow us to see the larger picture of a state and a world in need. As a guest within the walls of this honorable institution, I ask a special blessing on those who assemble here day after day seeking to encourage your people in North Carolina to live lives characterized by civic responsibility. I thank you for their dedication and their personal sacrifice. Lift them up individually and corporately so that they might know your presence anew in their lives. Have mercy on us all and allow your glory to light our path today and always. In your Holy Name we pray. Amen."

The Chair grants a leave of absence for today to Senator Albertson.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, 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.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 867, AN ACT TO INCREASE THE PERIOD OF TIME OVER WHICH AN INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR COMMERCIAL PARK MAY REMAIN IN EFFECT.

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The Enrolling Clerk reports the following bill and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 62, AN ACT AMENDING THE CHARTER OF THE TOWN OF GIBSON TO EXTEND THE TOWN COMMISSIONERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS.

H.J.R. 774, A JOINT RESOLUTION HONORING THOSE WHO CONTRIBUTED TO THE CONSTRUCTION OF THE DISMAL SWAMP CANAL ON THE TWO HUNDREDTH ANNIVERSARY OF THIS HISTORIC LANDMARK. (Res. 33)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLEAR PROCEEDS OF TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS IN THE CITY OF WILMINGTON TO BE PAID TO THE COUNTY SCHOOL FUND.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 289, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM, referred to the **Rules and Operations of the Senate Committee** on March 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

S.B. 243, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT, re-referred to the **State & Local Government Committee** on March 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State & Local Government Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State & Local Government Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

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S.B. 629, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO BE USED TOWARD THE CAPITAL COSTS OF CONVERTING AN EXISTING LOG BUILDING LOCATED IN DUPONT STATE FOREST INTO A VISITORS' CENTER FOR DUPONT STATE FOREST, referred to the **Appropriations/Base Budget Committee** on March 17.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Judiciary II Committee**.

CALENDAR *(continued)*

S.B. 61, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY INCREASING THE PUNISHMENT FOR FELONY DEATH BY VEHICLE AND CREATING THE OFFENSE OF FELONY SERIOUS INJURY BY VEHICLE.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 1161, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL REGISTRY OF AVAILABLE BEDS IN MENTAL HEALTH FACILITIES TO ASSIST IN THE PLACEMENT OF INDIVIDUALS INVOLUNTARILY COMMITTED TO THE 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 85253, is adopted and engrossed.

Upon motion of Senator Purcell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Swindell for the **Education/Higher Education Committee**:

S.B. 269, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75317, which changes the title to read **S.B. 269** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH STATEWIDE NUTRITION STANDARDS FOR SCHOOL

May 26, 2005

MEALS, A LA CARTE FOODS AND BEVERAGES, AND THE AFTER SCHOOL SNACK PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, May 31.

By Senator Kerr for the **Finance Committee**:

S.B. 278, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75318, which changes the title to read **S.B. 278** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FOOTHILLS REGIONAL AIRPORT AUTHORITY TO ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A CORRECTIONAL FACILITY AS PART OF THE STATE PRISON SYSTEM, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, May 31.

S.B. 343, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55238, which changes the title to read **S.B. 343** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE LEAGUE OF MUNICIPALITIES TO DETERMINE A DIFFERENT METHOD FOR DISTRIBUTING THE FRANCHISE TAX ON ELECTRIC POWER COMPANIES IN ORDER TO SIMPLIFY THE DISTRIBUTION, REDUCE THE ADMINISTRATIVE BURDEN ASSOCIATED WITH THE DISTRIBUTION, AND PREVENT ERRORS IN THE DISTRIBUTION, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, May 31.

S.B. 537, A BILL TO BE ENTITLED AN ACT TO ALLOW THE PAYMENT OF TAXES IN LIMITED CIRCUMSTANCES BY OFFSET OF AN OBLIGATION OWED TO THE TAXPAYER BY THE TAXING UNIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85254, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, May 31.

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S.B. 590 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS, 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, 85255, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, May 31.

H.B. 631 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY, 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 70388, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, May 31.

The President of the Senate extends the courtesies of the gallery to The Honorable R.B. Sloan, Jr., former Senator from Iredell County.

CALENDAR *(continued)*

S.B. 486 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 592 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL REVISIONS TO THE LAW GOVERNING INDIGENT DEFENSE AND ENTITLEMENT TO COUNSEL.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 594 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING RECOUPMENT FOR LEGAL SERVICES PROVIDED TO INDIGENT PERSONS WHO ARE FINANCIALLY ABLE TO PAY A PORTION OF THE VALUE OF THOSE SERVICES.

The Committee Substitute bill No. 2 passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 687, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE VOLUNTEER RESCUE/EMS FUND.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 724, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEPENDENTS OF MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD PAY IN-STATE TUITION.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 828 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE ONE-TIME WINE SHIPPERS' APPLICATION FEE, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE.

Senator Hagan offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (28-21) and third readings and is ordered engrossed and sent to the House of Representatives.

The Senate recesses at 11:37 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. 911 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives.

S.B. 912 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE PUBLIC SCHOOLS TO TEACH PERSONAL FINANCIAL LITERACY TO HIGH SCHOOL STUDENTS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 961 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

Senator Purcell offers Amendment No. 1.

Upon motion of Senator Purcell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 31, with Amendment No. 1 pending.

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WITHDRAWAL FROM COMMITTEE

S.B. 898, A BILL TO BE ENTITLED AN ACT ESTABLISHING A COMMISSION TO STUDY WORKFORCE PREPARATION IN THE PUBLIC SCHOOLS, referred to the **Rules and Operations of the Senate Committee** on March 23.

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 **Opportunities and Needs for Economic Growth in NC (ONE NC) 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 **Opportunities and Needs for Economic Growth in NC (ONE NC) Committee**, and upon a favorable report re-referred to the **Rules and Operations of the Senate Committee**.

S.B. 361, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF BLACK MOUNTAIN, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

S.B. 281, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEVILLE, referred to the **Rules and Operations of the Senate Committee** on March 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

S.B. 1155, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 106 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO AGRICULTURE, referred to the **Rules and Operations of the Senate Committee** on March 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

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CALENDAR *(continued)*

S.B. 1018, A BILL TO BE ENTITLED AN ACT ADOPTING THE COUGAR AS THE OFFICIAL STATE CAT OF NORTH CAROLINA.

The bill passes its second reading (27-21).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, May 31, upon third reading.

The Honorable Beverly E. Perdue, Lieutenant Governor relinquishes the gavel to Senator Basnight, President Pro Tempore who presides in the absence of the Lieutenant Governor.

S.B. 1067 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DEVELOPMENT OF A DEFENSE TECHNOLOGY INNOVATION CENTER.

The Committee Substitute bill No. 2 passes its second (48-0) 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 Hunt.

S.B. 1130 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 31.

H.B. 869 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS AND TO EXTEND A SPECIAL DEADLINE FOR EXEMPT ADULT HOUSING FACILITIES LOCATED IN A DOWNTOWN AREA AND BEING RELOCATED DUE TO A MAJOR ECONOMIC DEVELOPMENT PROJECT.

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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 518, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTES, 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 85256, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, May 31.

By Senator Soles for the **Commerce Committee**:

S.B. 729, A BILL TO BE ENTITLED AN ACT TO CLARIFY INCLUDABLE INTEREST CHARGES FOR USED MOTOR VEHICLES UNDER THE RETAIL INSTALLMENT SALES ACT, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, May 31.

PLEDGE OF ALLEGIANCE

Led by the President *Pro Tempore*, members and guests stand and pledge allegiance to the flag of the United States of America.

Upon motion of Senator Dannelly, seconded by Senator Thomas, the Senate adjourns in memory of those who served our Country and subject to ratification of bills, reading of messages from the House of Representatives and receipt of Committee Reports, to meet tomorrow, May 27, at 9:00 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 116 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS PLANT OF THE STATE OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, May 31, for concurrence.

S.J.R. 1170 (House Committee Substitute), A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2005 NCAA DIVISION I CHAMPIONSHIP, for concurrence in the House Committee Substitute joint resolution.

The joint resolution is placed on the Calendar for Tuesday, May 31, for concurrence.

H.B. 196, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF OXFORD TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

Referred to the **State & Local Government Committee**.

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H.B. 922 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FILLING OF VACANCIES IN THE OFFICES OF REGISTER OF DEEDS, SHERIFF, AND COUNTY COMMISSIONER IN BEAUFORT COUNTY SHALL BE IN ACCORDANCE WITH GENERAL LAW.

Referred to the **State & Local Government Committee**.

H.J.R. 1019, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TROUTMAN ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1316, A BILL TO BE ENTITLED AN ACT ADOPTING THE FRASER FIR AS THE OFFICIAL CHRISTMAS TREE OF THE STATE OF NORTH CAROLINA.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 525, AN ACT RELATING TO NASCAR HALL OF FAME FINANCING.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 669, A BILL TO BE ENTITLED AN ACT TO REPEAL LEGISLATION THAT MADE STATE LAND SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND PERMITTED THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS ON STATE LAND WITHOUT THE APPROVAL OF THE COUNCIL OF STATE, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, May 31.

S.B. 778, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS REGULATING LICENSURE FOR PRIVATE PROTECTIVE SERVICES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75320, which changes the title to read **S.B. 778** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed the on Calendar for Tuesday, May 31.

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By Senator Kerr for the **Finance Committee**:

S.B. 527 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CAPACITY OF PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO PROTECT THE SAFETY AND WELFARE OF THEIR STUDENTS, FACULTY, AND STAFF BY ENACTING THE CAMPUS POLICE ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 15246, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, May 31.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:27 P.M.

SEVENTY-FIRST DAY

Senate Chamber
Friday, May 27, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Janet Pruitt, Senate Principal Clerk, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, for many of us the Memorial Day weekend affords the opportunity for a three-day geographic pilgrimage to a resort area and some well-deserved rest. We are grateful for that opportunity. For others, Memorial Day is more a pilgrimage of heart and mind as they remember those who have lost their lives in service to our Country. Their emotional scars are as old as their remembrance of 'The Great War.' Their wounds are as fresh as a car bomb today in Iraq. The North Carolina Senate honors our fallen heroes. We know that you are close to those who grieve and we pray for the time in our world when swords will be beaten into plowshares and there will be peace. In your Holy name we pray. Amen."

Senator Stevens announces that the Journal of yesterday, 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.

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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. 62, AN ACT AMENDING THE CHARTER OF THE TOWN OF GIBSON TO EXTEND THE TOWN COMMISSIONERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS. (Became law upon ratification, May 26, 2005 - S.L. 2005-61.)

H.B. 772, AN ACT TO PROHIBIT COMPUTER-ASSISTED REMOTE HUNTING. (Became law upon approval of the Governor, May 26, 2005 - S.L. 2005-62.)

S.B. 510, AN ACT AUTHORIZING THE USE OF PERSONNEL AND FACILITIES AT WESTERN PIEDMONT COMMUNITY COLLEGE IN SUPPORT OF ECONOMIC DEVELOPMENT. (Became law upon approval of the Governor, May 26, 2005 - S.L. 2005-63.)

H.B. 761, AN ACT TO AMEND THE MOTOR CARRIER SAFETY STATUTES. (Became law upon approval of the Governor, May 26, 2005 - S.L. 2005-64.)

H.B. 231, AN ACT TO REVISE THE POWERS AND DUTIES OF THE STATE CONTROLLER TO CLARIFY THAT THE CONTROLLER MAY CONDUCT COMPLIANCE REVIEWS OF STATE AGENCIES AND TO EXEMPT THE WORKING PAPERS FROM THOSE REVIEWS FROM THE PUBLIC RECORDS LAWS. (Became law upon approval of the Governor, May 26, 2005 - S.L. 2005-65.)

S.B. 572, AN ACT TO CREATE A LICENSURE CATEGORY FOR ASSISTED LIVING COMMUNITIES THAT SERVE ONLY ELDERLY ADULTS. (Became law upon approval of the Governor, May 26, 2005 - S.L. 2005-66.)

H.B. 1015, AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO ORDER MEDIATION IN MATTERS WITHIN THE CLERK'S JURISDICTION. (Became law upon approval of the Governor, May 26, 2005 - S.L. 2005-67.)

S.B. 525, AN ACT RELATING TO NASCAR HALL OF FAME FINANCING. (Became law upon ratification, May 26, 2005 - S.L. 2005-68.)

Upon motion of Senator Cowell, seconded by Senator Hunt, the Senate adjourns at 9:03 A.M. to meet Tuesday, May 31, at 2:00 P.M.

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SEVENTY-SECOND DAY

Senate Chamber
Tuesday, May 31, 2005

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 T. L. Carmichael, Elevation Baptist Church, Raleigh, North Carolina as follows:

"Oh Lord my God, when I in awesome wonder consider all the worlds Thy hands have made, I see the stars, I hear the rolling thunder, Thy power throughout the universe displayed. How great Thou art. How great Thou art. Most Holy Father, the God of Abraham, Isaac and Jacob, in the name of Jesus we have received and decreed your power, your ability, your efficiency and might through the anointing of the Holy Spirit. We fearlessly and confidently draw near to thy throne. Father, thank you for sending your commandment sending your Word that it may have swift action in the earth. We humble ourselves in your presence and pause in this moment of time to give You honor and glory and praise. The earth is the Lord's and the fullness thereof, the world, and they that dwell therein. Have your way today, dear God. Send thy directions. Have your way in this place, rule and reign, for your glory. God, we seek your council in these holy chambers. Lord, anoint and bless this Senate and its members. Shower them and their families with your choice blessings. And please remember our President of these United States and our Governor of this great State of North Carolina. Thank you, Father, for guiding us and sending your angels who are assigned over these chambers. God continue to anoint us afresh. In the name of Christ, we stand victorious over the principalities, powers, rulers of darkness of this world and spiritual wickedness in high places over this State as we lift our hands in this place and ask for your presence to sweep through the gates of our cities in this State. We ask God to convince the people and bring demonstration to them about sin, about righteousness of heart and right standing with God. Father, You said in you word, 'For I know the thoughts and plans that I have for you...thoughts and plans for welfare and peace and not for evil, to give you hope in your final outcome.' Now God, Thy kingdom come Thy will be done in earth, as it is in heaven. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, May 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Thomas J. Pulliam from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Tracy Gosselin Acomb from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

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ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 583, AN ACT DESIGNATING THE COMMUNITY COLLEGES SYSTEM OFFICE AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE, AND TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES.

H.B. 869, AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS AND TO EXTEND A SPECIAL DEADLINE FOR EXEMPT ADULT HOUSING FACILITIES LOCATED IN A DOWNTOWN AREA AND BEING RELOCATED DUE TO A MAJOR ECONOMIC DEVELOPMENT PROJECT.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 236, AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION OVER LANDS ACQUIRED BY THE FEDERAL GOVERNMENT. (Became law upon approval of the Governor, May 27, 2005 - S.L. 2005-69.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 1081, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURES FOR NOTIFYING OWNERS AND ADVERTISING TAX LIENS ON REAL PROPERTY, with a favorable report.

S.B. 523, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE NORTH CAROLINA COURT OF APPEALS TO CONDUCT EN BANC PROCEEDINGS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35231, which changes the title to read **S.B. 523** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT A STATUTORY REFERENCE, is adopted and engrossed.

S.B. 814, A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES, 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 55240, is adopted and engrossed.

S.B. 970, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING APPEALS OF QUASI-JUDICIAL DECISIONS MADE UNDER ARTICLE 19 OF CHAPTER 160A AND ARTICLE 18 OF CHAPTER 153A OF THE GENERAL 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 75321, is adopted and engrossed.

By Senator Rand for the **Select Committee on Employee Hospital and Medical Benefits Committee**:

S.B. 751, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN IN ORDER TO PROVIDE AFFORDABLE HEALTH BENEFIT OPTIONS TO COVERED 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 75323, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 217, A BILL TO BE ENTITLED AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING MEDICAL MALPRACTICE INSURANCE POLICY LIMITS PRIOR TO LITIGATION OF MEDICAL MALPRACTICE CLAIMS, TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THESE CLAIMS, AND TO REPEAL THE PRIOR EXEMPTIONS FOR THESE CLAIMS AS TO PROVIDING THIS INFORMATION AND GIVING THE OPTION TO INITIATE PRELITIGATION MEDIATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55241, which changes the title to read **S.B. 217** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REVOCATION OF THE DRIVERS LICENSE OF ANY PERSON CONVICTED OF GIVING ALCOHOLIC BEVERAGES TO, OR AIDING AND ABETTING THE PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES BY, AN UNDERAGE PERSON AND TO ALLOW FOR A LIMITED DRIVING PRIVILEGE, is adopted and engrossed.

S.B. 797, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FORFEITURE OF A BAIL BOND SHALL BE SET ASIDE IF THE DEFENDANT FOR WHOM THE BOND WAS POSTED WAS INCARCERATED ANYWHERE AT THE TIME OF THE FAILURE TO APPEAR, TO PROVIDE THAT BOND SHALL NOT BE FORFEITED UNLESS THE SURETY OR BAIL AGENT HAD ACTUAL KNOWLEDGE THAT THE DEFENDANT HAD FAILED TO APPEAR ON TWO OR MORE

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OCCASIONS ON THE SAME CHARGE, AND TO PROVIDE THAT BOND SHALL BE REMITTED IF THE DEFENDANT RECEIVES A PRAYER FOR JUDGMENT CONTINUED OR DEFERRED PROSECUTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65328, is adopted and engrossed.

S.B. 629, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO BE USED TOWARD THE CAPITAL COSTS OF CONVERTING AN EXISTING LOG BUILDING LOCATED IN DUPONT STATE FOREST INTO A VISITORS' CENTER FOR DUPONT STATE FOREST, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35230, which changes the title to read **S.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1122, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO CHANGE THE NAME OF THE WETLANDS RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND, with a favorable report.

S.B. 1123, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS, with a favorable report.

S.B. 1124, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES, with a favorable report.

S.B. 1132, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (2) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; AND (3) PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION, with a favorable report.

S.B. 927, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND

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OPERATORS OF UNDERGROUND STORAGE TANKS, AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75322, is adopted and engrossed.

S.B. 1114, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL AUTHORITY FOR LOCAL GOVERNMENTS THAT ADMINISTER APPROVED LOCAL ENVIRONMENTAL PROGRAMS, AND TO PROVIDE ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO REQUEST THE AUTHORITY TO ADMINISTER ALL OR A PORTION OF CERTAIN ENVIRONMENTAL PROGRAMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75324, which changes the title to read **S.B. 1114** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL AUTHORITY FOR LOCAL GOVERNMENTS THAT ADMINISTER APPROVED LOCAL ENVIRONMENTAL PROGRAMS AND TO PROVIDE ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO REQUEST THE AUTHORITY TO ADMINISTER ALL OR A PORTION OF CERTAIN ENVIRONMENTAL PROGRAMS, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is referred to the **Finance Committee**.

S.B. 1121, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT BY FACILITATING THE REUSE OF CONTAMINATED REAL PROPERTY BY CLARIFYING THE CIRCUMSTANCES UNDER WHICH THE OWNERS OF REAL PROPERTY HAVE A DEFENSE AGAINST LIABILITY FOR THE CLEANUP OF ENVIRONMENTAL DAMAGE AND RESTORATION OF NATURAL RESOURCES AND BY MAKING THAT DEFENSE APPLICABLE TO STATE CLEANUP PROGRAMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65326, which changes the title to read **S.B. 1121** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

S.B. 247, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75304, which changes the title to read **S.B. 247** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT HELIPORT LOCATIONS AND DECLARE CERTAIN HELIPORTS A NUISANCE, is adopted and engrossed.

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S.B. 757, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35229, is adopted and engrossed.

S.B. 277, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF INSURANCE TO STUDY AND IMPLEMENT RULES FOR SELF-INSURERS TO ADDRESS THOSE ORGANIZATIONS EXEMPTED UNDER FEDERAL 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 35233, which changes the title to read **S.B. 277** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF A CERTIFICATE OF MOTOR VEHICLE SELF-INSURANCE FOR CERTAIN GROUPS TO ADDRESS THOSE ORGANIZATIONS EXEMPTED UNDER FEDERAL LAW, is adopted and engrossed.

S.B. 756, A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE STATE BUILDING 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 75326, is adopted and engrossed.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 669, A BILL TO BE ENTITLED AN ACT TO REPEAL LEGISLATION THAT MADE STATE LAND SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND PERMITTED THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS ON STATE LAND WITHOUT THE APPROVAL OF THE COUNCIL OF STATE.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, June 1.

H.B. 631 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY, upon second reading.

The Senate 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

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Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, June 1, upon third reading.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee**:

S.B. 1057, A BILL TO BE ENTITLED AN ACT TO ENACT THE EDUCATION AND ECONOMIC COMPETITIVENESS ACT OF 2005, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85252, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FOOTHILLS REGIONAL AIRPORT AUTHORITY TO ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A CORRECTIONAL FACILITY AS PART OF THE STATE PRISON SYSTEM.

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 as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 782, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE FAIR HOUSING ACT TO PROHIBIT DISCRIMINATION ON THE BASIS OF LAWFUL SOURCE OF INCOME, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15249, which changes the title to read **S.B. 782** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE NORTH CAROLINA HUMAN RELATIONS COMMISSION TO STUDY ISSUES RELATED TO THE STATE FAIR HOUSING ACT AND TO REPORT TO THE GENERAL ASSEMBLY, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 269 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH

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STATEWIDE NUTRITION STANDARDS FOR SCHOOL MEALS, A LA CARTE FOODS AND BEVERAGES, AND THE AFTER SCHOOL SNACK PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

The Committee Substitute bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives.

S.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE LEAGUE OF MUNICIPALITIES TO DETERMINE A DIFFERENT METHOD FOR DISTRIBUTING THE FRANCHISE TAX ON ELECTRIC POWER COMPANIES IN ORDER TO SIMPLIFY THE DISTRIBUTION, REDUCE THE ADMINISTRATIVE BURDEN ASSOCIATED WITH THE DISTRIBUTION, AND PREVENT ERRORS IN THE DISTRIBUTION.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 518 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTES.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 527 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CAPACITY OF PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO PROTECT THE SAFETY AND WELFARE OF THEIR STUDENTS, FACULTY, AND STAFF BY ENACTING THE CAMPUS POLICE ACT.

The Committee Substitute bill No. 2 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 as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 740, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS, with a favorable report.

CALENDAR *(continued)*

S.B. 537 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PAYMENT OF TAXES IN LIMITED CIRCUMSTANCES BY OFFSET OF AN OBLIGATION OWED TO THE TAXPAYER BY THE TAXING UNIT.

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The Committee Substitute bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives.

S.B. 590 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS.

The Committee Substitute bill No. 2 passes its second reading (49-1).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, June 1, upon third reading.

S.B. 729, A BILL TO BE ENTITLED AN ACT TO CLARIFY INCLUDABLE INTEREST CHARGES FOR USED MOTOR VEHICLES UNDER THE RETAIL INSTALLMENT SALES ACT.

Without objection, Senator Brown requests to be excused from voting on the bill due to a conflict of interest.

The bill passes its second reading (30-18).

Senator Hoyle objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, June 1, upon third reading.

WITHDRAWAL FROM COMMITTEE

S.B. 602, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF TRANSPORTATION TO AWARD CONTRACTS ON ALTERNATE BIDDING PROCEDURES, re-referred to the **Rules and Operations of the Senate Committee** on April 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Commerce Committee**.

H.J.R. 1609, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM "BILL" SETH HIATT, FORMER COMMISSIONER OF THE NORTH CAROLINA DEPARTMENT OF MOTOR VEHICLES AND FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on May 24.

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 1, 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 1.

S.B. 435, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DURHAM, referred to the **Rules and Operations of the Senate Committee** on March 9.

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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 & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

S.B. 1074 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE STATUTORY CHANGES TO IMPROVE QUALITY AND SAFETY IN HOME CARE SERVICES, MENTAL HEALTH FACILITIES, ADULT CARE HOMES, AND CERTAIN HOSPITAL FACILITIES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE CHANGES, re-referred to the **Appropriations/Base Budget Committee** on May 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Wednesday, June 1, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Wednesday, June 1.

The Senate recesses at 3:07 P.M. to reconvene at 3:12 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 Shaw.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee**:

S.B. 1096, A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES (I) PROVIDING FOR THE DISPLAY OF THE FLAG OF THE UNITED STATES AND OF NORTH CAROLINA, (II) ENSURING THAT STUDENTS HAVE AN OPPORTUNITY TO RECITE THE PLEDGE OF ALLEGIANCE ON A REGULAR BASIS, (III) PROVIDING FOR INSTRUCTION ON THE MEANING AND HISTORICAL ORIGINS OF THE FLAG AND THE PLEDGE OF ALLEGIANCE AND THE

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VALUES AND PRINCIPLES THEY REPRESENT, AND (IV) PROVIDING FOR INSTRUCTION ON THE STATE SYMBOLS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65327, which changes the title to read **S.B. 1096** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES (I) PROVIDING FOR THE DISPLAY OF THE FLAG OF THE UNITED STATES AND OF NORTH CAROLINA, (II) ENSURING THAT STUDENTS HAVE AN OPPORTUNITY TO RECITE THE PLEDGE OF ALLEGIANCE ON A DAILY BASIS, (III) PROVIDING FOR INSTRUCTION ON THE MEANING AND HISTORICAL ORIGINS OF THE FLAG AND THE PLEDGE OF ALLEGIANCE AND THE VALUES AND PRINCIPLES THEY REPRESENT, AND (IV) PROVIDING FOR INSTRUCTION ON THE STATE SYMBOLS, is adopted and engrossed.

Upon motion of Senator Swindell, the rules are suspended, without objection, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second reading (49-0).

Senator Berger of Rockingham objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, June 1, upon third reading.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 1143, A BILL TO BE ENTITLED AN ACT TO RESTORE IMMUNITY PROTECTION TO MUNICIPALITIES AND COUNTIES AND THEIR OFFICERS AND EMPLOYEES WHEN PERFORMING DUTIES IN FURTHERANCE OF PUBLIC SAFETY AND WHEN PERFORMING ACTIVITIES RELATED TO BUILDING INSPECTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15250, which changes the title to read **S.B. 1143** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE PROTECTION TO MUNICIPALITIES AND COUNTIES AND BUILDING INSPECTORS EMPLOYED BY MUNICIPALITIES AND COUNTIES WHEN PERFORMING ACTIVITIES RELATED TO BUILDING INSPECTIONS, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 778 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES.

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The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 961 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND, with Amendment No. 1 pending.

Senator Purcell withdraws pending Amendment No. 1.

Senator Purcell offers Amendment No. 2 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1130 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS.

The Committee Substitute bill passes its second reading (37-11).

Senator Hunt objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, June 1, upon third reading.

S.B. 1018, A BILL TO BE ENTITLED AN ACT ADOPTING THE COUGAR AS THE OFFICIAL STATE CAT OF NORTH CAROLINA, upon third reading.

Senator Brock offers Amendment No. 1 which is adopted (43-5) and changes the title to read **S.B. 1018**, A BILL TO BE ENTITLED AN ACT ADOPTING THE FELIS CONCOLOR AS THE OFFICIAL STATE CAT OF NORTH CAROLINA.

Senator Dannelly offers Amendment No. 2 which is adopted (34-14).

The bill, as amended, passes its third reading (43-5) and is ordered engrossed and sent to the House of Representatives.

S.B. 116 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS PLANT OF THE STATE OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (47-1) and the measure is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 428, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED LASER ILLUMINATION OF AN AIRCRAFT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85258, which changes the title to read **S.B. 428** (Committee Substitute), A BILL TO BE

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ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED DISCHARGE OF LASER AT AN AIRCRAFT, is adopted and engrossed.

S.B. 1029, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND ENHANCE THE LAWS RELATING TO DOMESTIC VIOLENCE AND TO ENACT LAWS REGARDING DOMESTIC VIOLENCE VICTIMS AND TENANCY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85260, which changes the title to read **S.B. 1029** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND ENHANCE THE LAWS RELATING TO DOMESTIC VIOLENCE, TO ENACT LAWS REGARDING DOMESTIC VIOLENCE VICTIMS AND TENANCY AND TO CLARIFY THAT THE FAILURE TO FILE A COUNTERCLAIM IN A SMALL CLAIMS ACTION DOES NOT BAR THE CLAIM IN A SEPARATE ACTION, is adopted and engrossed.

CALENDAR *(continued)*

S.J.R. 1170 (House Committee Substitute), A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2005 NCAA DIVISION I CHAMPIONSHIP, for concurrence in the House Committee Substitute joint resolution.

Upon motion of Senator Rand, the Senate concurs in the joint resolution (46-2) and the measure is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

S.B. 370, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Justin E. Allen, Goldsboro; Christopher B. Archer, Holly Springs; Kristin Danford, Fuquay-Varina; Lennon Glenn Dodson, Stoneville; David Michael Eick, Cary; John Nolan Eick, Cary; Jonathan Mills Franco, Fayetteville; Rachel Hollingsworth, Greenville; Bailey Victoire' Johnson, Stanley; Sarah Elizabeth Kaplan, Winston-Salem; Larry Michael Koonce, Jr., Fayetteville; Ann Mills

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Lassiter, Winston-Salem; Hannah Caldwell Martin, Mount Holly; Christopher Marcus Morrow, Lake Junaluska; Benjamin C. Pope, Crouse; Elizabeth Ivey Purcell, Laurinburg; Nicholas G. Sipes, Greensboro; Mary Hannah Statham, Greensboro; Erin Thompson, Concord; Victor Taylor Warren, Wake Forest; Blake Daniel Waters, Mount Olive; James Harroll Weaver, Goldsboro; and Hallie Covington Willis, Laurinburg.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, June 1, at 2:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 884 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RECOGNIZING THE SEAGROVE AREA AS THE BIRTHPLACE OF NORTH CAROLINA TRADITIONAL POTTERY, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, June 1, for concurrence.

H.J.R. 140, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF FRANKLIN ON THE TOWN'S 150TH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY CONSUMER CREDIT REPORTING AGENCY TO, UPON THE WRITTEN REQUEST OF A CONSUMER, PLACE A SECURITY FREEZE THAT PROHIBITS THE AGENCY FROM PROVIDING A CONSUMER'S CREDIT REPORT TO A THIRD PARTY.

Referred to the **Judiciary I Committee**.

H.B. 635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AT LEAST ONE PUBLIC COMMENT PERIOD PER MONTH AT A REGULAR MEETING OF A LOCAL BOARD OF EDUCATION, COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD.

Referred to the **State & Local Government Committee**.

H.B. 657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURANCE BROKERS TO DISCLOSE COMPENSATION ARRANGEMENTS TO CUSTOMERS.

Referred to the **Commerce Committee**.

H.B. 1086 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING THE JURISDICTION OF THE GENERAL ASSEMBLY POLICE AND THE OATH OF OFFICE TO REFLECT THAT CHANGE, AND TO MAKE A TECHNICAL AMENDMENT.

Referred to the **Judiciary I Committee**.

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H.B. 1176 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE CAP ON PROPERTY OF A JUDGMENT DEBTOR THAT IS FREE OF THE ENFORCEMENT OF THE CLAIMS OF CREDITORS, AND TO EXEMPT CERTAIN TYPES OF PROPERTY FROM ENFORCEMENT.

Referred to the **Judiciary II Committee**.

H.B. 1209 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEX OFFENDER REGISTRATION PROGRAM TO INCLUDE SEXUAL BATTERY AS A REPORTABLE OFFENSE, AND ADD SEXUAL BATTERY TO THE OFFENSES REQUIRING A DNA SAMPLE.

Referred to the **Judiciary I Committee**.

H.B. 1221 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN DOMESTIC CHILD CUSTODY ACTIONS.

Referred to the **Judiciary II Committee**.

H.B. 1236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPLACE THE ALLIANCE OF AMERICAN INSURERS AND NATIONAL ASSOCIATION OF INDEPENDENT INSURERS WITH THE PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA AND ONE INSURER FROM THE INDUSTRY AT LARGE SELECTED BY THE INSURER COMPANY MEMBERS OF THE BOARD AS TRADE ASSOCIATION MEMBERS WHICH MUST BE REPRESENTED ON THE BOARD OF GOVERNORS OF THE NORTH CAROLINA REINSURANCE FACILITY.

Referred to the **Commerce Committee**.

H.B. 1261 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE.

Referred to the **Commerce Committee**.

H.B. 1305 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING CITIES TO FILE CERTIFIED CHARTERS AND BOUNDARY MAPS AND COUNTIES TO FILE CERTIFIED BOUNDARY MAPS WITH THE SECRETARY OF STATE.

Referred to the **State & Local Government Committee**.

H.B. 1311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING DOMESTIC VIOLENCE VICTIMS TO APPLY FOR A TEMPORARY CONCEALED HANDGUN PERMIT UPON SHOWING PROOF OF A PROTECTIVE ORDER ISSUED UNDER CHAPTER 50B OF THE GENERAL STATUTES AS EVIDENCE OF AN EMERGENCY SITUATION IN ORDER TO EMPOWER DOMESTIC VIOLENCE VICTIMS TO PROTECT THEMSELVES AND THEIR FAMILIES.

Referred to the **Judiciary II Committee**.

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H.B. 1394 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PARENTS OF AN INCOMPETENT ADULT WHO IS NOT MARRIED TO RECOMMEND A GUARDIAN FOR THAT ADULT BY WILL OR OTHER DOCUMENT.

Referred to the **Judiciary II Committee**.

H.B. 1401 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CIRCUMSTANCES UNDER WHICH FEDERAL LAW ENFORCEMENT OFFICERS AND SWORN LAW ENFORCEMENT OFFICERS MAY CARRY CONCEALED WEAPONS.

Referred to the **Judiciary II Committee**.

H.B. 1409 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND AND THAT THE MONEY OR PROPERTY MAY BE REFUSED IF IT WAS NOT DERIVED FROM A LAWFUL SOURCE OR WILL NOT REASONABLY ASSURE APPEARANCE.

Referred to the **Judiciary I Committee**.

H.B. 1469 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY.

Referred to the **Commerce Committee**.

H.B. 1491 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE LIABILITY INSURANCE FOR SCHOOL SOCIAL WORKERS WHO TRANSPORT STUDENTS.

Referred to the **Judiciary I Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 512, A BILL TO BE ENTITLED AN ACT TO PRESERVE THE CORRIDOR RIGHTS OF ELECTRIC SUPPLIERS FROM EROSION DUE TO ANNEXATION OR INCORPORATION, TO CLARIFY THE RIGHTS OF PRIMARY AND SECONDARY SUPPLIERS OF ELECTRICITY TO SUPPLY ELECTRIC SERVICE WHEN THEIR DISTRIBUTION AND TRANSMISSION LINES ARE IN CLOSE PROXIMITY, TO PROHIBIT A CITY FROM CONDITIONING THE PROVISION OF WATER AND SEWER SERVICES TO VOLUNTARY ANNEXATION PETITIONERS UPON THE PETITIONERS AGREEING TO BE SUPPLIED WITH ELECTRICITY BY THE CITY, AND TO CREATE A MECHANISM TO FACILITATE THE RESOLUTION OF TERRITORIAL DISPUTES BETWEEN ELECTRICITY SUPPLIERS, 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 35234, which changes the title to read **S.B. 512** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF CONDITIONING THE PROVISION OF WATER OR SEWER SERVICES UPON AGREEING TO BE SUPPLIED WITH ELECTRICITY, TO PRESERVE THE CORRIDOR SERVICE RIGHTS OF ELECTRIC SUPPLIERS OUTSIDE CITIES FROM BEING LOST OR DILUTED DUE TO EXTRATERRITORIAL SERVICES BY CITIES, AND TO ADDRESS OTHER ELECTRIC TERRITORY ISSUES, is adopted and engrossed.

S.B. 895, A BILL TO BE ENTITLED AN ACT TO CLARIFY REAL ESTATE BROKERS DUTIES RELATED TO REAL ESTATE TRUST MONIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65331, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SUPREME COURT WITH THE AUTHORITY TO REVISE THE RULES OF CIVIL AND CRIMINAL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75328, is adopted and engrossed.

S.B. 832, A BILL TO BE ENTITLED AN ACT RELATING TO THE WEIGHTS OF TOW TRUCKS AND RECOVERY VEHICLES AND TO STATUTORY LIENS ON CARGO CONTAINED IN TOWED 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 65333, which changes the title to read **S.B. 832** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WRECKERS TO TAKE DISABLED VEHICLES UP TO FIFTY MILES FOR REPAIR, PARKING, OR STORAGE, is adopted and engrossed.

S.B. 856, A BILL TO BE ENTITLED AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO A TRIAL PREPARATION RECORD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55245, which changes the title to read **S.B. 856** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO TRIAL PREPARATION MATERIAL, is adopted and engrossed.

S.B. 932, A BILL TO BE ENTITLED AN ACT TO PROTECT CONFIDENTIAL INFORMATION OF PUBLIC AGENCIES AND SUBDIVISIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35235, is adopted and engrossed.

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S.B. 951, A BILL TO BE ENTITLED AN ACT TO REQUIRE A UNIT OF LOCAL GOVERNMENT THAT DISPLACES A PRIVATE COMPANY THAT IS PROVIDING COLLECTION SERVICES FOR SOLID WASTE OR RECOVERED MATERIALS TO GIVE NOTICE OF ITS INTENT TO DO SO AND TO PROVIDE COMPENSATION TO THE DISPLACED PRIVATE COMPANY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85264, is adopted and engrossed.

S.B. 1039, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN PENALTIES FOR COMMITTING SECOND-DEGREE RAPE OR SECOND-DEGREE SEXUAL OFFENSE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85263, which changes the title to read **S.B. 1039** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN PENALTIES FOR COMMITTING SECOND-DEGREE RAPE OR SECOND-DEGREE SEXUAL OFFENSE AND TO MAKE FIRST-DEGREE RAPE AND FIRST-DEGREE SEX OFFENSES APPLICABLE WHERE THE VICTIM IS MENTALLY DISABLED, MENTALLY INCAPACITATED, OR PHYSICALLY HELPLESS, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:25 P.M.

SEVENTY-THIRD DAY

Senate Chamber
Wednesday, June 1, 2005

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 seeking wisdom we are wise. In imagining we have attained it, we are foolish. Some decisions before the Senate are so complex that finding the right answer is very difficult. It is so easy to find a verse of scripture as proof text to support our cause proving you to be an ally. When instead what we need is for you to be master or judge of our decision-making. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, May 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The President of the Senate extends privileges of the floor to Dr. Michael Lancaster from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Nancy Crutchfield from Reidsville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 116, AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS PLANT OF THE STATE OF NORTH CAROLINA.

S.B. 763, AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC.

H.B. 1206, AN ACT TO ALLOW THE USE OF DOMESTICALLY PROPAGATED WATERFOWL AND GAME BIRDS IN DOG TRAINING UNDER CERTAIN CONDITIONS.

The Enrolling Clerk reports the following bill and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 986, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITIES OF GREENVILLE AND ELIZABETH CITY AND THE TOWNS OF AYDEN, SURF CITY, AND WINDSOR.

S.J.R. 1170, A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2005 NCAA DIVISION I CHAMPIONSHIP. (Res. 34)

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 869, AN ACT TO CLARIFY AND AMEND THE CONFLICT OF INTEREST LAW FOR PUBLIC HOSPITALS AND TO EXTEND 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 31, 2005 - S.L. 2005-70.)

Upon motion of Senator Rand, the Rules are suspended and all bills reported from committees today for the Calendar are placed on a Supplemental Calendar for today.

June 1, 2005

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 393, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55248, which changes the title to read **S.B. 393** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 1080, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING A FIREARM INTO A MOVING VEHICLE, TO CREATE THE OFFENSE OF AGGRAVATED ASSAULT ON A FEMALE, TO AMEND THE FALSE REPORT OF A BOMB STATUTE, TO INCREASE THE PENALTY FOR SALE OR DELIVERY OF TWO POUNDS OR MORE OF MARIJUANA, AND TO INCREASE REGULATORY PROVISIONS RELATING TO REGISTERED SEX OFFENDERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55244, which changes the title to read **S.B. 1080** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR POSSESSION, SALE, OR DELIVERY OF LARGE AMOUNTS OF MARIJUANA AND TO ENHANCE REGULATORY PROVISIONS RELATING TO REGISTERED SEX OFFENDERS, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou for the **Pensions & Retirement and Aging Committee**:

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP, with a favorable report.

The bill is placed on today's Supplemental Calendar.

S.B. 383, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND, with a favorable report.

The bill is placed on today's Supplemental Calendar.

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H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, with a favorable report.

The Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 148, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS' AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55249, which changes the title to read **S.B. 148** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

By Senator Holloman for the **State & Local Government Committee**:

H.B. 570, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PROFIT DISTRIBUTION FROM THE SALES OF ALCOHOLIC BEVERAGES BY THE KINGS MOUNTAIN ALCOHOLIC BEVERAGE CONTROL BOARD, with a favorable report.

The bill is placed on today's Supplemental Calendar.

S.B. 335 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

The Committee Substitute bill, as amended, is placed on today's Supplemental Calendar.

S.B. 98, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE THROUGH ELECTION DAY AS THE VOTING METHOD, TO BE KNOWN AS "SUPER PRECINCTS" OR "VOTE CENTERS", with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75329, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

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S.B. 289, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75327, which changes the title to read **S.B. 289** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 340, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF WELDON, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65337, which changes the title to read **S.B. 340** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE AND TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 435, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DURHAM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15248, which changes the title to read **S.B. 435** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE AUTHORITY OF THE COUNTY OF DURHAM TO ENTER INTO PUBLIC-PRIVATE PROJECTS, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 1127, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65336, which changes the title to read **S.B. 1127** (Committee Substitute), 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 AND PROMOTE PARTICIPATION BY SMALL BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION PROJECT, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

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H.B. 940 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF LELAND AND PINEVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWNS' OVERGROWN VEGETATION ORDINANCE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70500, which changes the title to read **H.B. 940** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF AYDEN, LELAND, AND PINEVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWNS' OVERGROWN VEGETATION ORDINANCE, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

By Senator Bingham for the **Health Care Committee**:

S.B. 268, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65332, which changes the title to read **S.B. 268** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT "AEDIN'S LAW" TO DIRECT THE COMMISSIONER OF AGRICULTURE TO ADOPT RULES ESTABLISHING PERMITTING AND SANITATION REQUIREMENTS FOR ANIMAL EXHIBITIONS, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

BILLS SENT TO THE HOUSE OF REPRESENTATIVES

With unanimous consent, upon motion of Senator Rand, all bills passed by the Senate today and ordered sent to the House of Representatives will be sent by special message.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 981, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO STUDY WATER QUALITY IN THE STATE'S DRINKING WATER RESERVOIRS, TO DEVELOP AND IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY

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FOR RESERVOIRS FOR WHICH WATER QUALITY MONITORING IS PLANNED, AND TO REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION ON THE STATUS OF CURRENT RULE MAKING TO IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR ANY IMPAIRED RESERVOIRS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85266, which changes the title to read **S.B. 981** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION: (1) TO STUDY WATER QUALITY IN DRINKING WATER SUPPLY RESERVOIRS IN THE STATE, (2) TO ADOPT NUTRIENT CONTROL CRITERIA FOR DRINKING WATER SUPPLY RESERVOIRS, (3) TO DEVELOP AND IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS THAT ARE IMPAIRED OR THAT MAY BECOME IMPAIRED WITHIN FIVE YEARS, (4) NOT TO MAKE ANY NEW OR INCREASED NUTRIENT LOADING ALLOCATION TO ANY IMPAIRED DRINKING WATER SUPPLY RESERVOIR UNTIL RULES TO IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR THAT RESERVOIR BECOME EFFECTIVE, AND (5) TO REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION ON PROGRESS IN DEVELOPING AND IMPLEMENTING NUTRIENT MANAGEMENT STRATEGIES FOR DRINKING WATER SUPPLY RESERVOIRS WITH IMPAIRED WATER QUALITY, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

H.B. 631 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message.

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S.B. 217 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REVOCATION OF THE DRIVERS LICENSE OF ANY PERSON CONVICTED OF GIVING ALCOHOLIC BEVERAGES TO, OR AIDING AND ABETTING THE PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES BY, AN UNDERAGE PERSON AND TO ALLOW FOR A LIMITED DRIVING PRIVILEGE.

Senator Kinnaird offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (47-2) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT HELIPORT LOCATIONS AND DECLARE CERTAIN HELIPORTS A NUISANCE.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF A CERTIFICATE OF MOTOR VEHICLE SELF-INSURANCE FOR CERTAIN GROUPS TO ADDRESS THOSE ORGANIZATIONS EXEMPTED UNDER FEDERAL LAW.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 353 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SUPREME COURT WITH THE AUTHORITY TO REVISE THE RULES OF CIVIL AND CRIMINAL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY.

The Committee Substitute bill passes its second reading (50-0).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, June 2, upon third reading.

S.B. 428 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED DISCHARGE OF LASER AT AN AIRCRAFT.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 512 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF CONDITIONING THE PROVISION OF WATER OR SEWER SERVICES UPON AGREEING TO BE SUPPLIED WITH ELECTRICITY, TO PRESERVE THE CORRIDOR SERVICE RIGHTS OF ELECTRIC SUPPLIERS OUTSIDE CITIES FROM BEING LOST OR DILUTED DUE TO EXTRATERRITORIAL SERVICES BY CITIES, AND TO ADDRESS OTHER ELECTRIC TERRITORY ISSUES.

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The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT A STATUTORY REFERENCE.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS.

Without objection, Senator Clodfelter requests to be excused from voting on the bill due to a conflict of interest.

The Committee Substitute bill passes its second (49-0) 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 Soles for the **Commerce Committee**:

S.B. 602, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF TRANSPORTATION TO AWARD CONTRACTS ON ALTERNATE BIDDING PROCEDURES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65338, which changes the title to read **S.B. 602** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PROFESSIONAL LIABILITY OF STATE EMPLOYEES AND AGENCIES, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

CALENDAR *(continued)*

S.B. 669, A BILL TO BE ENTITLED AN ACT TO REPEAL LEGISLATION THAT MADE STATE LAND SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND PERMITTED THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS ON STATE LAND WITHOUT THE APPROVAL OF THE COUNCIL OF STATE.

The bill passes its second (44-6) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 740, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

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S.B. 751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN IN ORDER TO PROVIDE AFFORDABLE HEALTH BENEFIT OPTIONS TO COVERED EMPLOYEES.

Senator Rand offers Amendment No. 1 which is adopted (50-0).

The Committee Substitute bill, as amended, passes its second (50-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 756 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE STATE BUILDING COMMISSION.

Upon motion of Senator Nesbitt, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 757 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

Senator Webster offers Amendment No. 1 which fails of adoption (3-47).

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 782 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE NORTH CAROLINA HUMAN RELATIONS COMMISSION TO STUDY ISSUES RELATED TO THE STATE FAIR HOUSING ACT AND TO REPORT TO THE GENERAL ASSEMBLY.

The Committee Substitute bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 1011, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPALITIES TO ISSUE REVENUE BONDS FOR THE CONSTRUCTION OF WATER TREATMENT AND RELATED FACILITIES TO BE OWNED BY A WATER AND SEWER AUTHORITY, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 7.

S.B. 705 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF

CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, June 7.

S.B. 369, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65334, which changes the title to read **S.B. 369** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, June 7.

S.B. 443, A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85267, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, June 7.

S.B. 1059 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, 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, 65339, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, June 7.

By Senator Holloman for the **State & Local Government Committee**:

S.B. 386, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85265, which changes the title to read **S.B. 386** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JAIL, ANCILLARY JAIL, AND TEMPORARY FACILITY IN CABARRUS COUNTY, AUTHORIZING CABARRUS COUNTY AND THE MUNICIPALITIES LOCATED IN WHOLE OR IN PART IN CABARRUS

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COUNTY TO ENTER INTO DEVELOPMENT AGREEMENTS WITH DEVELOPERS, AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1230 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OF THE STATE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80423, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

By Senator Bingham for the **Health Care Committee**:

S.B. 42, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE HOME CARE AGENCY LICENSURE ACT, TO ESTABLISH HOME CARE CLIENTS' RIGHTS, AND TO APPROPRIATE FUNDS TO INCREASE THE SURVEY CYCLE FOR LICENSED IN-HOME AGENCIES, 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 55250, which changes the title to read **S.B. 42** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE HOME CARE AGENCY LICENSURE ACT AND TO ESTABLISH HOME CARE CLIENTS' RIGHTS AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 489, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS TO CLARIFY CERTAIN DEFINITIONS UNDER THE NORTH CAROLINA COSMETIC ART ACT, TO APPROVE EXAMINATION FACILITIES, AND TO SET LIMITS FOR FAILED CANDIDATES SEEKING TO RETAKE AN EXAMINATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15251, which changes the title to read **S.B. 489** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING A MEMBER TO THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS, AUTHORIZING THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS TO CLARIFY

CERTAIN DEFINITIONS UNDER THE NORTH CAROLINA COSMETIC ART ACT, TO APPROVE EXAMINATION FACILITIES, AND TO SET LIMITS FOR FAILED CANDIDATES SEEKING TO RETAKE AN EXAMINATION, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

CALENDAR *(continued)*

S.B. 797 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FORFEITURE OF A BAIL BOND SHALL BE SET ASIDE IF THE DEFENDANT FOR WHOM THE BOND WAS POSTED WAS INCARCERATED ANYWHERE AT THE TIME OF THE FAILURE TO APPEAR, TO PROVIDE THAT BOND SHALL NOT BE FORFEITED UNLESS THE SURETY OR BAIL AGENT HAD ACTUAL KNOWLEDGE THAT THE DEFENDANT HAD FAILED TO APPEAR ON TWO OR MORE OCCASIONS ON THE SAME CHARGE, AND TO PROVIDE THAT BOND SHALL BE REMITTED IF THE DEFENDANT RECEIVES A PRAYER FOR JUDGMENT CONTINUED OR DEFERRED PROSECUTION.

Without objection, Senator Apodaca requests to be excused from voting on the bill due to a conflict of interest.

Senator Thomas offers Amendment No. 1 which is adopted (48-0), and changes the title to read **S.B. 797** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FORFEITURE OF A BAIL BOND SHALL BE SET ASIDE IF THE DEFENDANT FOR WHOM THE BOND WAS POSTED WAS INCARCERATED ANYWHERE AT THE TIME OF THE FAILURE TO APPEAR, TO PROVIDE THAT BOND SHALL NOT BE FORFEITED UNLESS THE SURETY OR BAIL AGENT HAD NOTICE OR ACTUAL KNOWLEDGE THAT THE DEFENDANT HAD FAILED TO APPEAR ON TWO OR MORE OCCASIONS ON THE SAME CHARGE, AND TO PROVIDE THAT BOND SHALL BE REMITTED IF THE DEFENDANT RECEIVES A PRAYER FOR JUDGMENT CONTINUED OR DEFERRED PROSECUTION UNLESS THE DISTRICT ATTORNEY OBJECTS.

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 814 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES.

Without objection, Senator Hoyle, Senator Pittenger and Senator Smith request to be excused from voting on the bill due to a conflict of interest.

Senator Hunt offers Amendment No. 1 which is adopted (37-10).

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 by special message.

June 1, 2005

S.B. 832 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WRECKERS TO TAKE DISABLED VEHICLES UP TO FIFTY MILES FOR REPAIR, PARKING, OR STORAGE.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 856 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO TRIAL PREPARATION MATERIAL.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 895 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REAL ESTATE BROKERS DUTIES RELATED TO REAL ESTATE TRUST MONIES.

The Committee Substitute bill passes its second reading (50-0).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, June 2, upon third reading.

S.B. 927 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS, AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 932 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONFIDENTIAL INFORMATION OF PUBLIC AGENCIES AND SUBDIVISIONS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 951 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A UNIT OF LOCAL GOVERNMENT THAT DISPLACES A PRIVATE COMPANY THAT IS PROVIDING COLLECTION SERVICES FOR SOLID WASTE OR RECOVERED MATERIALS TO GIVE NOTICE OF ITS INTENT TO DO SO AND TO PROVIDE COMPENSATION TO THE DISPLACED PRIVATE COMPANY.

Without objection, Senator Swindell requests to be excused from voting on the bill due to a conflict of interest.

The Committee Substitute bill passes its second (42-7) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 756 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE STATE BUILDING COMMISSION, temporarily displaced earlier.

Senator Nesbitt offers Amendment No. 1 which is adopted (50-0).

The Committee Substitute bill, as amended, passes its second (50-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 970 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING APPEALS OF QUASI-JUDICIAL DECISIONS MADE UNDER ARTICLE 19 OF CHAPTER 160A AND ARTICLE 18 OF CHAPTER 153A OF THE GENERAL STATUTES.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

S.B. 338, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF AHOSKIE, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

CALENDAR *(continued)*

S.B. 1029 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND ENHANCE THE LAWS RELATING TO DOMESTIC VIOLENCE, TO ENACT LAWS REGARDING DOMESTIC VIOLENCE VICTIMS AND TENANCY AND TO CLARIFY THAT THE FAILURE TO FILE A COUNTERCLAIM IN A SMALL CLAIMS ACTION DOES NOT BAR THE CLAIM IN A SEPARATE ACTION.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1057 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EDUCATION AND ECONOMIC COMPETITIVENESS ACT OF 2005.

Senator Lucas offers Amendment No. 1 which is adopted (50-0).

The Committee Substitute bill, as amended, passes its second (50-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

June 1, 2005

S.B. 1074 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE STATUTORY CHANGES TO IMPROVE QUALITY AND SAFETY IN HOME CARE SERVICES, MENTAL HEALTH FACILITIES, ADULT CARE HOMES, AND CERTAIN HOSPITAL FACILITIES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE CHANGES.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1081, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURES FOR NOTIFYING OWNERS AND ADVERTISING TAX LIENS ON REAL PROPERTY.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1121 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1122, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO CHANGE THE NAME OF THE WETLANDS RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1123, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1124, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1132, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (2) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; AND (3) PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD

AND AQUACULTURE WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM CALENDAR

S.B. 895 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REAL ESTATE BROKERS DUTIES RELATED TO REAL ESTATE TRUST MONIES.

Senator Webster withdraws his previous objection to third reading on S.B. 895 and upon motion of Senator Rand, the Committee Substitute bill is withdrawn from the Calendar of June 2 and placed on today's Calendar for immediate consideration upon third reading.

The Committee Substitute bill passes its third reading (50-0) and is ordered sent to the House of Representatives by special message.

CALENDAR *(continued)*

S.B. 1143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE PROTECTION TO MUNICIPALITIES AND COUNTIES AND BUILDING INSPECTORS EMPLOYED BY MUNICIPALITIES AND COUNTIES WHEN PERFORMING ACTIVITIES RELATED TO BUILDING INSPECTIONS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

H.J.R. 1609, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM "BILL" SETH HIATT, FORMER COMMISSIONER OF THE NORTH CAROLINA DEPARTMENT OF MOTOR VEHICLES AND FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator East, the joint resolution is read in its entirety.

The joint resolution passes its second (50-0) and third readings and is ordered enrolled.

S.B. 590 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS.

Senator Webster offers Amendment No. 1.

Senator Webster offers Amendment No. 2 as a substitute amendment to Amendment No. 1. Amendment No. 2 fails of adoption (12-38).

The question before the Body becomes the adoption of Amendment No. 1. Amendment No. 1 fails of adoption (0-50).

The Committee Substitute bill No. 2 passes its second (49-1) and third readings and is ordered sent to the House of Representatives by special message.

June 1, 2005

S.B. 729, A BILL TO BE ENTITLED AN ACT TO CLARIFY INCLUDABLE INTEREST CHARGES FOR USED MOTOR VEHICLES UNDER THE RETAIL INSTALLMENT SALES ACT.

The bill passes its third reading (28-21) and is ordered sent to the House of Representatives by special message.

S.B. 1096 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES (I) PROVIDING FOR THE DISPLAY OF THE FLAG OF THE UNITED STATES AND OF NORTH CAROLINA, (II) ENSURING THAT STUDENTS HAVE AN OPPORTUNITY TO RECITE THE PLEDGE OF ALLEGIANCE ON A DAILY BASIS, (III) PROVIDING FOR INSTRUCTION ON THE MEANING AND HISTORICAL ORIGINS OF THE FLAG AND THE PLEDGE OF ALLEGIANCE AND THE VALUES AND PRINCIPLES THEY REPRESENT, AND (IV) PROVIDING FOR INSTRUCTION ON THE STATE SYMBOLS.

Senator Rand calls the previous question on S.B. 1096, seconded by Senator Clodfelter. The call for the previous question prevails (29-21).

The Committee Substitute bill passes its third reading (50-0) and is ordered sent to the House of Representatives by special message.

S.B. 1130 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS.

The Committee Substitute bill passes its third reading (40-10) and is ordered sent to the House of Representatives by special message.

S.B. 884 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RECOGNIZING THE SEAGROVE AREA AS THE BIRTHPLACE OF NORTH CAROLINA TRADITIONAL POTTERY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Tillman, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

The Senate recesses at 5:59 P.M. for the purpose of an Appropriations/Base Budget Committee meeting and a Pensions & Retirement and Aging Committee meeting and subject to reading of messages from the House of Representatives to reconvene at 6:30 P.M.

CROSSOVER AGREEMENT

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE BUILDING
RALEIGH 27601

June 1, 2005

AGREEMENT TO COVER BILLS AND RESOLUTIONS PASSED FOLLOWING ADJOURNMENT OF EITHER CHAMBER PRIOR TO THE OTHER ON JUNE 2, 2005, CROSSOVER DEADLINE.

June 1, 2005

It is agreed that all bills and resolutions passed by the House of Representatives or the Senate on June 2, 2005, and ordered sent to the other chamber but not read as a message on the floor of either Body, shall be considered to have met the provision of House Rule 31.1(d) and Senate Rule 41.

S/Marc Basnight
Senate President Pro Tempore

S/James S. Black
Speaker of the House

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 267 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

H.B. 347 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE GROWTH, DEVELOPMENT, AND SUSTAINABILITY OF FAMILY FARMS, TO RENAME THE FARMLAND PRESERVATION TRUST FUND AS THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND, AND TO ESTABLISH THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 448 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FAIR AND ORDERLY PROCESS FOR THE DISPOSITION OF COMPLAINTS AGAINST LOCAL SCHOOL BOARD MEMBERS.

Referred to the **Education/Higher Education Committee**.

H.B. 470 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY.

Referred to the **Finance Committee**.

H.B. 747 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS AND TO REQUIRE ANNUAL WORK PLANS FOR MAINTENANCE OF STATE STREETS AND HIGHWAYS WITHIN MUNICIPALITIES.

Referred to the **Transportation Committee**.

June 1, 2005

H.B. 877 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL NOTICES OF SALE INDICATE THAT THE SALE MAY BE DELAYED.

Referred to the **Judiciary II Committee**.

H.B. 1093, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (2) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; AND (3) PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report re-referred to **Appropriation/Base Budget Committee**.

H.B. 1094, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO CHANGE THE NAME OF THE WETLANDS RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1095, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1096, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1099 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1240 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS.

Referred to the **Commerce Committee**.

H.B. 1281 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1343, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROMPT PAY STATUTE TO ALLOW PARTIES TO AGREE TO CERTAIN TERMS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1346 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE INTERSTATE COMPACT FOR JUVENILES.

Referred to the **Mental Health & Youth Services Committee**.

H.B. 1436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SENTENCING COMMISSION TO STUDY AND MAKE RECOMMENDATIONS REGARDING EVIDENCE THAT A MURDER WAS COMMITTED IN VIOLATION OF A VALID DOMESTIC VIOLENCE PROTECTIVE ORDER AS AN AGGRAVATING FACTOR IN CAPITAL SENTENCING.

Referred to the **Judiciary II Committee**.

H.B. 1466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE.

Referred to the **Judiciary I Committee**.

H.B. 1489, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR INDECENT EXPOSURE IF THE OFFENSE IS COMMITTED IN THE PRESENCE OF A MINOR OF THE OPPOSITE SEX WHO IS LESS THAN THIRTEEN YEARS OLD.

Referred to the **Judiciary II Committee**.

H.B. 1527 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS.

Referred to the **Judiciary I Committee**.

H.B. 1551, A BILL TO BE ENTITLED AN ACT EXEMPTING CERTAIN SOCIAL WORKERS FROM THE PRESERVICE TRAINING REQUIREMENT PURSUANT TO LAWS REQUIRING TRAINING BY THE DIVISION OF SOCIAL SERVICES WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND REQUIRING THE DIVISION OF SOCIAL SERVICES TO DEVELOP OR ALLOW ALTERNATIVE MODELS OF DELIVERING TRAINING TO CHILD WELFARE SERVICES WORKERS.

Referred to the **Mental Health & Youth Services Committee**.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

June 1, 2005

Senator Horton offers a motion, seconded by Senator Webster, that all bills on today's Supplemental Calendar be withdrawn from today's Supplemental Calendar and placed on the Calendar for Thursday, June 2.

The motion fails (19-30).

SUPPLEMENTAL CALENDAR

S.B. 289 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 340 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE AND TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 383, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND.

The bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 435 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE AUTHORITY OF THE COUNTY OF DURHAM TO ENTER INTO PUBLIC-PRIVATE PROJECTS.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 570, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PROFIT DISTRIBUTION FROM THE SALES OF ALCOHOLIC BEVERAGES BY THE KINGS MOUNTAIN ALCOHOLIC BEVERAGE CONTROL BOARD.

The bill passes its second (48-1) and third readings and is ordered enrolled.

H.B. 940 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF AYDEN, LELAND, AND PINEVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWNS' OVERGROWN VEGETATION ORDINANCE.

The Senate Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special message.

June 1, 2005

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Dalton for the **Appropriations/Base Budget Committee**:

S.B. 692, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85262, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 811, A BILL TO BE ENTITLED AN ACT TO DIVIDE SUPERIOR COURT, DISTRICT COURT, AND PROSECUTORIAL DISTRICTS 29 INTO DISTRICTS 29A AND 29B, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55246, which changes the title to read **S.B. 811** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE DISTRICT COURT DISTRICT 20 AND PROSECUTORIAL DISTRICT 20 INTO 20A AND 20B, TO REALIGN SUPERIOR COURT DISTRICTS 20A AND 20B, AND TO DIVIDE SUPERIOR COURT, DISTRICT COURT, AND PROSECUTORIAL DISTRICTS 29 INTO DISTRICTS 29A AND 29B, is adopted and engrossed.

The Committee Substitute bill is placed on today's Supplemental Calendar.

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

S.B. 140, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENT THAT FIREMEN HAVE FIVE YEARS OF SERVICE IN ORDER TO BE ELIGIBLE FOR ASSISTANCE UNDER THE LOCAL FIREMEN'S RELIEF FUND, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

The bill, as amended, is placed on today's Supplemental Calendar.

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 335 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE, as amended by the State and Local Government Committee and temporarily displaced earlier today.

The Committee Substitute bill, as amended, passes its second (38-11) and third reading and is ordered sent to the House of Representatives by special message.

The Chair grants a leave of absence for the remainder of today's session to Senator Graham.

June 1, 2005

S.B. 386 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JAIL, ANCILLARY JAIL, AND TEMPORARY FACILITY IN CABARRUS COUNTY, AUTHORIZING CABARRUS COUNTY AND THE MUNICIPALITIES LOCATED IN WHOLE OR IN PART IN CABARRUS COUNTY TO ENTER INTO DEVELOPMENT AGREEMENTS WITH DEVELOPERS, AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY, temporarily displaced earlier.

Senator Stevens offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 98 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE THROUGH ELECTION DAY AS THE VOTING METHOD, TO BE KNOWN AS "SUPER PRECINCTS" OR "VOTE CENTERS".

Upon motion of Senator Brock, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP.

The bill passes its second reading (48-0).

Senator Hoyle objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, June 2, upon third reading.

S.B. 148 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 268 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT "AEDIN'S LAW" TO DIRECT THE COMMISSIONER OF AGRICULTURE TO ADOPT RULES ESTABLISHING PERMITTING AND SANITATION REQUIREMENTS FOR ANIMAL EXHIBITIONS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

June 1, 2005

S.B. 393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 98 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE THROUGH ELECTION DAY AS THE VOTING METHOD, TO BE KNOWN AS "SUPER PRECINCTS" OR "VOTE CENTERS", temporarily displaced earlier.

Senator Brock 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 by special message.

S.B. 489 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING A MEMBER TO THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS, AUTHORIZING THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS TO CLARIFY CERTAIN DEFINITIONS UNDER THE NORTH CAROLINA COSMETIC ART ACT, TO APPROVE EXAMINATION FACILITIES, AND TO SET LIMITS FOR FAILED CANDIDATES SEEKING TO RETAKE AN EXAMINATION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 602 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PROFESSIONAL LIABILITY OF STATE EMPLOYEES AND AGENCIES.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 981 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION: (1) TO STUDY WATER QUALITY IN DRINKING WATER SUPPLY RESERVOIRS IN THE STATE, (2) TO ADOPT NUTRIENT CONTROL CRITERIA FOR DRINKING WATER SUPPLY RESERVOIRS, (3) TO DEVELOP AND IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS THAT ARE IMPAIRED OR THAT MAY BECOME IMPAIRED WITHIN FIVE YEARS, (4) NOT TO MAKE ANY NEW OR INCREASED NUTRIENT LOADING ALLOCATION TO ANY IMPAIRED DRINKING WATER SUPPLY RESERVOIR UNTIL RULES TO IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR THAT RESERVOIR BECOME EFFECTIVE, AND (5) TO REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION ON PROGRESS IN DEVELOPING AND IMPLEMENTING NUTRIENT MANAGEMENT STRATEGIES FOR DRINKING WATER SUPPLY RESERVOIRS WITH IMPAIRED WATER QUALITY.

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Senator Berger of Franklin 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 by special message.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 8.

H.B. 1230 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OF THE STATE.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 8.

S.B. 140, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENT THAT FIREMEN HAVE FIVE YEARS OF SERVICE IN ORDER TO BE ELIGIBLE FOR ASSISTANCE UNDER THE LOCAL FIREMEN'S RELIEF FUND, placed earlier on today's Supplemental Calendar.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT, placed earlier on today's Supplemental Calendar.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 811 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE DISTRICT COURT DISTRICT 20 AND PROSECUTORIAL DISTRICT 20 INTO 20A AND 20B, TO REALIGN SUPERIOR COURT DISTRICTS 20A AND 20B, AND TO DIVIDE SUPERIOR COURT, DISTRICT COURT, AND PROSECUTORIAL DISTRICTS 29 INTO DISTRICTS 29A AND 29B, placed earlier on today's Supplemental Calendar.

Senator Goodall offers Amendment No. 1 which fails of adoption (20-27).

The Committee Substitute bill passes its second (37-10) and third readings and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Basnight, seconded by Senator Purcell, the Senate adjourns at 8:29 P.M. subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, June 2, at 9:30 A.M.

SEVENTY-FOURTH DAY

Senate Chamber
Thursday, June 2, 2005

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 Dr. Neal Carter, Laurinburg Presbyterian Church, Laurinburg, North Carolina as follows:

"Almighty and merciful God, your glory shines upon all the earth. We commend our State of North Carolina to your merciful care that we may live securely in peace and may be guided by your providence. Bless those who hold office in the government of our State, that they may do their work in a spirit of wisdom, kindness, and justice. Give all in the Senate the insight and strength to know your will and to do it. Help them remember that they are called to serve the people, promoting the general welfare, especially those in the deepest of need. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, 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 privileges of the floor to Dr. Richard V. Liles, Jr. from Albemarle, North Carolina, who is serving the Senate as Doctor of the Day, and to Lucy Heffelfinger from Hickory, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 884, AN ACT RECOGNIZING THE SEAGROVE AREA AS THE BIRTHPLACE OF NORTH CAROLINA TRADITIONAL POTTERY.

The Enrolling Clerk reports the following bill and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 570, AN ACT TO PROVIDE FOR THE PROFIT DISTRIBUTION FROM THE SALES OF ALCOHOLIC BEVERAGES BY THE KINGS MOUNTAIN ALCOHOLIC BEVERAGE CONTROL BOARD.

H.J.R. 1609, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM "BILL" SETH HIATT, FORMER COMMISSIONER OF THE NORTH CAROLINA DEPARTMENT OF MOTOR VEHICLES AND FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 35)

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CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 986, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITIES OF GREENVILLE AND ELIZABETH CITY AND THE TOWNS OF AYDEN, SURF CITY, AND WINDSOR. (Became law upon ratification, June 1, 2005 - S.L. 2005-71.)

RECONSIDERATION

S.B. 386 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JAIL, ANCILLARY JAIL, AND TEMPORARY FACILITY IN CABARRUS COUNTY, AUTHORIZING CABARRUS COUNTY AND THE MUNICIPALITIES LOCATED IN WHOLE OR IN PART IN CABARRUS COUNTY TO ENTER INTO DEVELOPMENT AGREEMENTS WITH DEVELOPERS, AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY, as amended, passed second and third readings and ordered engrossed and sent to the House of Representatives on June 1.

Having voted with the majority, Senator Rand offers a motion that the Committee Substitute bill, as amended, be recalled from the Engrossing Office for further consideration by the Senate and further moves that the Committee Substitute bill be placed before the Senate for immediate consideration, which motions prevail.

Having voted with the majority on third reading, Senator Rand offers a motion that the vote by which the Committee Substitute bill, as amended, passed its third reading on June 1 be reconsidered, which motion prevails.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Committee Substitute bill, as amended, passed its second reading on June 1 be reconsidered, which motion prevails.

Amendment No. 1 offered by Senator Stevens and adopted on June 1 is ruled to be material and constitutes first reading of the bill on June 1.

The question before the Senate becomes the passage of the Committee Substitute bill, as amended, on its second reading.

Senator Stevens offers Amendment No. 2 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

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Voting in the negative: None.

Upon motion of Senator Rand, the Committee Substitute bill, as amended, is ordered engrossed after second reading.

Upon motion of Senator Rand, the Committee Substitute bill, as amended, is placed on the Calendar for Tuesday, June 7, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.J.R. 1579, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLARENCE E. "BIG HOUSE" GAINES, SR., LEGENDARY BASKETBALL COACH, referred to the **Rules and Operations of the Senate Committee** on May 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

S.B. 441, A BILL TO BE ENTITLED AN ACT AUTHORIZING ASHE COUNTY TO USE WIND-POWERED ELECTRICITY GENERATION PROJECTS ON MOUNTAIN RIDGES, referred to the **Commerce Committee** on March 9.

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**.

S.B. 42 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE HOME CARE AGENCY LICENSURE ACT AND TO ESTABLISH HOME CARE CLIENTS' RIGHTS AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, referred to the **Appropriations/Base Budget Committee** on June 1.

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.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Rand for the **State & Local Government Committee**:

S.B. 338, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF AHOSKIE, 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 75199, which changes the title to read **S.B. 338** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE, is adopted and engrossed.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP.

The bill passes its third reading (50-0) and is ordered sent to the House of Representatives by special message.

S.B. 353 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SUPREME COURT WITH THE AUTHORITY TO REVISE THE RULES OF CIVIL AND CRIMINAL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY.

The Committee Substitute bill passes its third reading (50-0) and is ordered sent to the House of Representatives by special message.

H.J.R. 1579, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLARENCE E. "BIG HOUSE" GAINES, SR., LEGENDARY BASKETBALL COACH, placed earlier on today's Calendar.

Upon motion of Senator Garrou, 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 Garrou:

"Thank you, Madame President. Ladies and gentlemen of the Senate, 'Big House' Gaines was truly a legend. While I knew about all of the games that he won, recognition and awards, I really knew him best as a community leader. When we are in session and when I'm feeling dutiful, I will go to my Rotary make-up on Friday afternoon. There is a Rotary that meets then, and I would see him at the Rotary and he would always say, 'Come on over,' and he would ask me to join him at the table. 'Big House' was one of those people that I was never sure if he knew my name. You would meet him and I just knew that he had met people just over and over, so I was just never sure if he knew my name because he always called me 'little lady' which was fine with me. In the last year or so I went to Rotary one day

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and he motioned to me to come over and I went down and sat down with him and someone came and joined us at the table and he said, 'I want to be sure you know that Linda Garrou is my Senator.' So it made me very proud. 'Big House' Gaines' mother wanted him to become a dentist. Instead of fixing teeth he fixed students and souls and we can't even count the number of children and young men that he touched. I asked one of his former coaches to give me a quote, something that 'Big House' said to his players. This was the quote that he gave. He said that one of his favorite things that he would say to his players was, 'The world doesn't owe you anything boy. If you want something out of this world you better get off your butt and work for it.' I'm sure many of us have heard that from our daddies and mommas and other folks and teachers and I'm sure the number of folks whose lives he has touched could not be counted. We are grateful for his life and for his legacy. I would appreciate your support for this resolution."

Senator Dorsett:

" 'Big House' Gaines was one of those larger-than-life individuals. He was a mentor for many young students. While he was very competitive, he did that in a very positive way. I was working at A&T and he was working at Winston-Salem State and really the greatest rivalry we had was in basketball. We would always try to be the ones to win and in most of the times he did. But at any rate, he was one of those individuals that touched many lives. He was a former basketball coach at Winston-Salem State University and that really was his life. He enjoyed it, he loved students, he worked with them and he was like a father figure. He retired as one of the winningest active coaches in basketball. Although he won many awards and accolades, he was much more than a coach. He was really a teacher and he taught young people the game of life. He was a very sensitive and caring man who had his nickname which represented just who he was, 'Big House.' Despite his many health problems, he and his wife, Claire, were still very active in the community. He and his wife delivered 'Meals on Wheels' to the people in the community and he was involved in many professional and civic organizations. He passed away on April 15, 2005, but he really left a wonderful legacy of his life. He touched many people in the community and I commend the resolution."

Senator Horton:

"He was big as a house. He got that nickname when he was eighteen at Morgan State, 250 pounds, six feet four at the age of eighteen. He was big the whole life he served and it was a long and rich life. 'Big House' was a special member of our community. He stood for all that was good and solid in education and served as a mentor as well as a coach. He served as a father figure to students at Winston-Salem State for forty-seven years. Someone said that whatever you come up with in talking about 'Big House' will never equal what he has meant to this community and that, I think, is probably more important than just the fact that he was the winningest basketball coach anyone had ever heard of. I think in 828 games he lost 447. He got 12 Central Intercollegiate Association Championships. Winston-Salem State was the first predominately black institution to win an NCAA basketball title. All of that, as I would say, would fade into insignificance compared to what he meant for 47 years to those thousands that he coached. We'll miss him. Our community will miss him."

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Senator Jacumin:

“I only had one opportunity to meet ‘Big House’ Gaines and that was in 1983 when NC State was playing Houston in that final game. He was sitting behind us a row or two there. By half time it looked like it was going to be a shaky situation out there and I turned around and I said, ‘Big House’ you are going to have to help us cheer for this crowd. He grabbed about three or four of those shakers there. I know he’s a winner because he had Dean Smith pulling for us, too, right behind him. I’ll always remember that about him. He seemed to be a leader in every group he got in. I commend this resolution to you.”

Senator Dannelly:

“Ladies and Gentlemen, when I was a freshmen at Howard University in 1944, I did not know ‘Big House’ Gaines. I was a basketball player at Howard and we played Morgan and if ya’ll think Michael Jordan could jump high or David Thompson, I was known as the ‘Sky Guy.’ No one could beat me at rebounding until we played Morgan. I went up for a rebound and something hit me in the back of the head. When I got up off the floor I saw this huge figure holding the ball. I went over to the bench, sat down to get the cobwebs out and I said, ‘Who’s that?’ Someone said, ‘That’s Big House Gaines.’ I’ve known him ever since. ‘Big House’ was a bosom buddy of my late brother-in-law, Eddie McGirt. They were both basketball coaches, Eddie at Johnson C. Smith University, and ‘Big House’ at Winston-Salem. They were both football and basketball coaches at those schools. After Eddie passed, when I would see ‘Big House’ he would always ask me, ‘How is Eddie’s boy doing.’ He not only loved the children and young men and women he worked with, but his friends’ children as well. But more importantly than that, one of our own right here in this chamber, one of our own Assistant Sergeants-At-Arms, Leslie Wright, was a star tight end at A&T State University and Leslie had the experience of playing against ‘Big House’ Gaines from Morgan in the season of 1943 and 1944. Anybody who played against ‘Big House’ Gaines never forgot it. You always remembered him. He was bigger than life and, to my recollection, since the CIAA started I missed only one tournament. ‘Big House’ missed none. Even this past CIAA tournament he was here in Raleigh. He was bigger than life. I recommend the resolution to you.”

The joint resolution passes its second reading (50-0) and third reading with members standing, and is ordered enrolled.

S.B. 42 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE HOME CARE AGENCY LICENSURE ACT AND TO ESTABLISH HOME CARE CLIENTS' RIGHTS AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (50-0) 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 as follows:

By Senator Purcell for the **Health Care Committee**:

H.B. 916 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FROM THE LAW EXEMPTING FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, June 7.

CALENDAR *(continued)*

S.B. 338 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

ADDITIONAL SPONSOR

Senator Thomas requests to be added as a sponsor of previously introduced legislation:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Upon motion of Senator Basnight, seconded by Senator Clodfelter, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet Monday, June 6, at 7:00 P.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 126 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

Referred to the **Judiciary I Committee**.

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H.B. 253 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ADOPT TRANSPORTATION CORRIDOR OFFICIAL MAPS, TO INCREASE THE NUMBER OF PROJECTS THE AUTHORITY MAY UNDERTAKE FROM THREE TO NINE, AND TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE.

Referred to the **Transportation Committee**.

H.B. 288 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A MOTOR VEHICLE SHALL DO UPON APPROACH OF AN EMERGENCY VEHICLE.

Referred to the **Judiciary II Committee**.

H.B. 327 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

H.B. 550 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES TO IMPLEMENT AN EXPEDITED PROCEDURE FOR THE ADOPTION OF PERMANENT RULES.

Referred to the **Education/Higher Education Committee**.

H.B. 577 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE.

Referred to the **Education/Higher Education Committee**.

H.B. 601 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE CAROLINA LAKES PROPERTY OWNERS' ASSOCIATION IN HARNETT COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF MARKUPS OF ANATOMIC PATHOLOGY SERVICES BY PHYSICIANS, HOSPITALS, DENTISTS, AND PODIATRISTS.

Referred to the **Health Care Committee**.

H.B. 855 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH STATEWIDE NUTRITION STANDARDS FOR SCHOOL MEALS, A LA CARTE FOODS AND BEVERAGES, AND THE AFTER SCHOOL SNACK PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC

INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

Referred to the **Health Care Committee**.

H.B. 1064 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REGARDING THE PROVISION OF WATER SERVICE IN BUNCOMBE COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 1065 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 1295 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MAXIMUM WEIGHT OF A MOTOR VEHICLE THAT IS SUBJECT TO THE NEW MOTOR VEHICLES WARRANTIES ACT AND TO PROMOTE THE EXPEDITIOUS SETTLEMENT OF CLAIMS WHEN THE CONSUMER REQUESTS THE MANUFACTURER TO REPURCHASE THE MOTOR VEHICLE.

Referred to the **Judiciary I Committee**.

H.B. 1318 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS REGARDING EQUITABLE DISTRIBUTION BY REQUIRING THE COURT TO CONSIDER EVIDENCE RELATING TO BUILT-IN TAXES AND OTHER TAX CONSEQUENCES OF THE PARTIES TO A DIVORCE ACTION IN DETERMINING EQUITABLE DISTRIBUTION.

Referred to the **Judiciary II Committee**.

H.B. 1336 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF METHYL TERTIARY BUTYL ETHER (MTBE) IN MOTOR FUELS, TO DIRECT THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND THE COMMISSIONER OF AGRICULTURE TO STUDY THE FEASIBILITY AND ADVANTAGES OF A COORDINATED APPROACH TO THE PHASEOUT OF MTBE IN THE SOUTHEAST REGION OF THE UNITED STATES, AND TO DIRECT THE SECRETARY AND THE COMMISSIONER TO WORK COOPERATIVELY WITH SOUTHEASTERN STATES TO DEVELOP AND IMPLEMENT A REGIONAL APPROACH.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1385 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS, AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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H.B. 1417 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE SIX ADDITIONAL MEMBERS OF THE COMMISSION.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:52 A.M.

SEVENTY-FIFTH DAY

Senate Chamber
Monday, June 6, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O Lord, in the midst of the pragmatic decisions that face each Senator this week, You come as a dreamer pointing to an even greater vision. In the midst of their questions, You come as a sure and solid rock and in the midst of too easily achieved answers, You come as a troubling question. We can't pin you down or box you in so grant us the glad expectation to find and welcome you in all the ways and places that you come to us this week. Let our light so shine that others may see you in each of us. Amen."

The Chair grants leaves of absence for tonight to Senator Apodaca, Senator Graham and Senator Weinstein.

Senator Rand announces that the Journal of Thursday, 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 Deputy President Pro Tempore of the Senate extends privileges of the floor to Dr. Joseph Mulcahy from Henderson, North Carolina, who is serving the Senate as Doctor of the Day, and to Susan McClary from Salisbury, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

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H.J.R. 1579, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLARENCE E. "BIG HOUSE" GAINES, SR., LEGENDARY BASKETBALL COACH. (Res. 36)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 867, AN ACT TO INCREASE THE PERIOD OF TIME OVER WHICH AN INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR COMMERCIAL PARK MAY REMAIN IN EFFECT. (Became law upon approval of the Governor, June 2, 2005 - S.L. 2005-72.)

H.B. 570, AN ACT TO PROVIDE FOR THE PROFIT DISTRIBUTION FROM THE SALES OF ALCOHOLIC BEVERAGES BY THE KINGS MOUNTAIN ALCOHOLIC BEVERAGE CONTROL BOARD. (Became law upon ratification, June 2, 2005 - S.L. 2005-73.)

Upon motion of Senator Rand, seconded by Senator Malone, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet tomorrow, June 7, at 1:00 P.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 328 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE AND THE TOWNS OF BEAUFORT AND SOUTHERN SHORES TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWNS OF DUCK, KILL DEVIL HILLS, KITTY HAWK, AND NAGS HEAD TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, TO ALLOW THE TOWN OF ST. JAMES TO EXERCISE PLANNING JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND TO ALLOW EXTRATERRITORIAL PLANNING JURISDICTION IN 2010, TO EXEMPT THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN ABC STORE IN BRUNSWICK COUNTY BE LOCATED NO CLOSER THAN SEVEN MILES FROM A MUNICIPALITY WITH AN EXISTING ABC STORE, TO ADD WASHINGTON COUNTY TO THE COUNTIES IN WHICH IT IS ILLEGAL TO REMOVE OR DESTROY AN ELECTRONIC DOG COLLAR, AND TO AUTHORIZE THE TOWN OF MATTHEWS TO ADOPT AND ENACT

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ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THAT TOWN.

Referred to the **State & Local Government Committee**.

H.B. 607 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE FARMLAND PRESERVATION ENABLING ACT TO ESTABLISH A CATEGORY OF ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS THAT OFFERS ADDITIONAL PROTECTION OF FARMLAND FROM NONFARM DEVELOPMENT AND ADDITIONAL BENEFITS FOR FARMLAND WHEN THE OWNER OF THE FARMLAND IS WILLING TO ENTER INTO AN IRREVOCABLE CONSERVATION AGREEMENT FOR TEN YEARS OR LONGER.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 653 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CREDIT INSURANCE LAWS TO DEFINE "CRITICAL PERIOD COVERAGE"; CLARIFY THE APPROPRIATE REFUND OF PREMIUMS METHOD WHEN A POLICY OR GROUP CERTIFICATE IS TERMINATED PRIOR TO THE SCHEDULED MATURITY DATE OF THE SUBJECT DEBT; ALLOW CREDIT CARD COVERAGE FROM OUT-OF-STATE FINANCIAL INSTITUTIONS; PROVIDE THAT INSURERS MUST ACKNOWLEDGE TO THE CLAIMANT ANY CLAIMS NOT PAID WITHIN THIRTY DAYS; CLARIFY THAT INSURERS CAN REQUIRE REGISTRATION WITH THE STATE UNEMPLOYMENT OFFICE AND PROVISION OF AN OFFICIAL STATE UNEMPLOYMENT OFFICE DECISION LETTER REGARDING THE CLAIM TO QUALIFY FOR CREDIT UNEMPLOYMENT INSURANCE BENEFITS UNDER THE POLICY BUT CANNOT IMPOSE A TIME LIMIT ON THAT REGISTRATION; AND PROVIDE THE COMMISSIONER OF INSURANCE WITH THE AUTHORITY TO ENFORCE THE LAWS GOVERNING CREDIT INSURANCE CONSISTENT WITH THE COMMISSIONER'S GENERAL ENFORCEMENT AUTHORITY AS SET FORTH IN CHAPTER 58 OF THE GENERAL STATUTES.

Referred to the **Commerce Committee**.

H.B. 661 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST.

Referred to the **Mental Health & Youth Services Committee**.

H.B. 725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE PRACTICE OF REAL ESTATE RESALE DEALERS IN THIS STATE.

Referred to the **Judiciary I Committee**.

H.B. 787 (Committee Substitute No. 4), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT BUNCOMBE, GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE.

Referred to the **Finance Committee**.

H.B. 829 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL FLAGS.

Referred to the **State & Local Government Committee**.

H.B. 1020, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS.

Referred to the **State & Local Government Committee**.

H.B. 1029 (Committee Substitute), A BILL TO BE ENTITLED AN ACT FACILITATING THE ESTABLISHMENT OF MUNICIPAL PROGRAMS TO CLEAR STREAMS BY CLARIFYING A MUNICIPALITY'S LIABILITY FOR SUCH ACTIONS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1034 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION.

Referred to the **State & Local Government Committee**.

H.B. 1059 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT INACCURACIES IN THE USE OF CERTAIN TERMS IN THE GENERAL STATUTES PERTAINING TO THE ADMINISTRATION OF A SCHOOL HEALTH EDUCATION PROGRAM.

Referred to the **Health Care Committee**.

H.B. 1074 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ADMITTING CHILDREN TO THE PUBLIC SCHOOLS.

Referred to the **Education/Higher Education Committee**.

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H.B. 1087 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF SOCIAL WORKER UNDER THE SOCIAL WORKER CERTIFICATION AND LICENSURE ACT.

Referred to the **Mental Health & Youth Services Committee**.

H.B. 1101, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PROMPT RELEASE OF ELECTION RESULTS AFTER THE CLOSE OF THE POLLS ON ELECTION DAY.

Referred to the **Judiciary I Committee**.

H.B. 1146 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE FORECLOSURE PROCESS.

Referred to the **Judiciary I Committee**.

H.B. 1151 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INSTRUCTIONAL PLANNING TIME AND A DUTY-FREE LUNCH PERIOD FOR TEACHERS.

Referred to the **Education/Higher Education Committee**.

H.B. 1155 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL.

Referred to the **Education/Higher Education Committee**.

H.B. 1163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROVISIONS IN MOTOR CARRIER FREIGHT TRANSPORTATION CONTRACTS THAT HOLD HARMLESS THE SHIPPER FOR THE SHIPPER'S NEGLIGENCE OR INTENTIONAL ACTS ARE VOID.

Referred to the **Judiciary I Committee**.

H.B. 1227, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT.

Referred to the **Judiciary I Committee**.

H.B. 1243 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING A LONGER NOTICE PERIOD FOR A TERMINATION OF A TENANCY FOR THE RENTAL SPACE FOR RESIDENTIAL MANUFACTURED HOMES.

Referred to the **Judiciary II Committee**.

H.B. 1291, A BILL TO BE ENTITLED AN ACT TO ELIMINATE CONTINUING EDUCATION REQUIREMENTS FOR LOCKSMITHS UNDER THE NORTH CAROLINA LOCKSMITH LICENSING ACT.

Referred to the **Commerce Committee**.

H.B. 1353 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION TO HEAR CONTROVERSIES SUBMITTED BY MUNICIPAL ELECTRIC SERVICE CUSTOMERS WHO LIVE OUTSIDE THE MUNICIPALITY'S CORPORATE BOUNDARIES AND IN LENOIR COUNTY.

Referred to the **Commerce Committee**.

H.B. 1388 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE INTERNET-BASED SALES FROM ACTIVITIES REGULATED BY THE LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS.

Referred to the **Commerce Committee**.

H.B. 1392 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A CLASS 1 MISDEMEANOR OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS.

Referred to the **Commerce Committee**.

H.B. 1404 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LAW ENFORCEMENT OFFICERS TO SERVE PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES.

Referred to the **Judiciary I Committee**.

H.B. 1414 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING.

Referred to the **Education/Higher Education Committee**.

H.B. 1416, A BILL TO BE ENTITLED AN ACT TO MAKE TOWNS OR CITIES WHERE A RAILROAD PASSENGER TERMINUS EXISTS ELIGIBLE TO HOLD MALT BEVERAGE PERMIT ELECTIONS.

Referred to the **Commerce Committee**.

H.B. 1473, 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**.

H.B. 1482 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL DEPARTMENTS OF SOCIAL SERVICES AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED.

Referred to the **Health Care Committee**.

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H.B. 1493 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY.

Referred to the **Judiciary I Committee** and upon a favorable report re-referred to **Health Care Committee**.

H.B. 1516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS AN UNFAIR AND DECEPTIVE ACT FOR A PERSON TO SIGN A WRITTEN STATEMENT THAT ALL MATERIALMEN'S LIENS ARE SATISFIED WHEN THE PERSON HAS ACTUAL KNOWLEDGE THAT ANY MATERIALMEN'S LIEN REMAINS UNSATISFIED.

Referred to the **Judiciary II Committee**.

H.B. 1517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO CHILD CARE FACILITIES, SO AS TO CLARIFY THAT FACILITIES MAY ALSO OFFER CARE TO CHILDREN OF PART-TIME EMPLOYEES OF THE FACILITY.

Referred to the **Mental Health & Youth Services Committee**.

H.B. 1518 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HOLDERS OF CERTAIN ABC PERMITS TO RECYCLE ALL RECYCLABLE CONTAINERS OF ALL BEVERAGES SOLD AT RETAIL ON THE PREMISES AND TO PROHIBIT THE DISPOSAL OF THOSE CONTAINERS IN LANDFILLS OR BY INCINERATION.

Referred to the **Commerce Committee**.

H.B. 1522, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE PORTS AUTHORITY ENABLING LEGISLATION.

Referred to the **Commerce Committee**.

H.B. 1524 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1539 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT RELATING TO ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA AND TO CREATE A PANEL TO DETERMINE WHETHER UNIVERSITY ACTIVITIES VIOLATE THE ACT.

Referred to the **Commerce Committee**.

H.B. 1541 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS.

Referred to the **Commerce Committee** and upon a favorable report re-referred to **Finance Committee**.

H.B. 1543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PHOTOGRAPHS AND VIDEO OR AUDIO RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT PUBLIC RECORDS AND TO ALLOW FOR LIMITED ACCESS TO RECORDED IMAGES OF AN AUTOPSY BY THE PUBLIC.

Referred to the **Judiciary I Committee**.

H.J.R. 1650, A JOINT RESOLUTION HONORING THE MEMORY OF ABRAHAM L. FREEDLANDER FOR HIS CONTRIBUTIONS TO HAYWOOD COMMUNITY COLLEGE, ON THE OCCASION OF THE COLLEGE'S FORTIETH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 7:20 P.M.

SEVENTY-SIXTH DAY

Senate Chamber
Tuesday, June 7, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Rabbi Fred Guttman, Temple Emanuel Synagogue, Greensboro, North Carolina as follows:

"Almighty God, we stand here today reaffirming your sovereignty and our belief that You are the Parent of us all. In Your wisdom, You have granted to us the faculty of appreciating the value of representative government. We ask Your guidance for those of the North Carolina Senate who are charged with the awesome responsibility of directing the affairs of this State. Help our Senators, God, to understand that virtually every issue which they will deal with in their deliberations today and in the future has a spiritual component. Our task as a Nation and as a State is to live according to the highest ethical and religious values of our tradition. Help us to appreciate our diversity and the fact that our State functions best when we acknowledge that all who live here have their own particular contribution to make, their own spiritual melody to play. May the spirit of compromise fill this body. Help the members of the Senate to understand that their task is to raise the welfare of all the citizens, not help some up while pushing others down. God, let us recognize that you are truly on our side when we direct our attention to issues such as the betterment of education and the eradication of poverty. Enlighten the eyes of our legislators today and months to come to comprehend the tremendous

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potential of embryonic stem cell research, for indeed it is a true gift of knowledge that can alleviate the suffering of so many. May this State help its outstanding scientists to use this research to develop cures for Parkinson's Disease, Diabetes and other illnesses from which so many suffer. Bless, O God, this State and its leaders. Bring us together with bonds of friendship and fellowship and may the love of You be in the hearts of us all. May the biblical ideals of freedom, justice and equality enshrined in the Constitution of this State and that of our Nation, become the heritage of us all. Amen."

The Chair grants a leave of absence for today to Senator Goodall.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, June 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Ralph C. Gertsch from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Liz Newlin from Fuquay-Varina, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 631, AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 386 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JAIL, ANCILLARY JAIL, AND TEMPORARY FACILITY IN CABARRUS COUNTY, AUTHORIZING CABARRUS COUNTY AND THE MUNICIPALITIES LOCATED IN WHOLE OR IN PART IN CABARRUS COUNTY TO ENTER INTO DEVELOPMENT AGREEMENTS WITH DEVELOPERS, AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin,

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Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

S.B. 369 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators Forrester, Presnell and Webster—3.

The Committee Substitute bill remains on the Calendar for tomorrow, June 8, upon third reading.

S.B. 443 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS.

The Committee Substitute bill passes its second reading (49-0).

Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, June 8, upon third reading.

S.B. 705 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1011, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPALITIES TO ISSUE REVENUE BONDS FOR THE CONSTRUCTION OF WATER TREATMENT AND RELATED FACILITIES TO BE OWNED BY A WATER AND SEWER AUTHORITY.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 1059 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS.

The Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 916 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FROM THE LAW EXEMPTING FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

Upon motion of Senator Dorsett, the President extends the courtesies of the gallery to the Alpha Kappa Alpha Sorority visiting from North Carolina and Virginia. It is the oldest Sorority for African Americans in the United States and was founded in 1908 at Howard University.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Cameron Patrick Atkins, Wilmington; Rachael A. Baer, Fayetteville; Kelly Christine Berry, Greensboro; Riley Driver, Greensboro; Jack Hamilton Garvey, Jr., Greensboro; Nicholas Gittin, Elon; Jaime Gresalfi, Greensboro; Sarah Griffin, Cary; Stephanie Holton, Columbia; George Robert Horton, Pinehurst; Adrienne Johnston, Greensboro; David Marshall Millican, Greensboro; John Andrew Moore III, Greensboro; Louise Carter Northington, Goldsboro; Brittney Parker, Gastonia; Akeem Tyrone Perez, Raleigh; Jennifer Lauren Rea, Plymouth; Victoria Joy Revelle, Durham; Joshua R. Sparks, Fayetteville; Robert Lee Spencer, Gastonia; Amelia Summerell, Greensboro; Bradley Talley, Clayton; Laura Talley, Clayton; Katherine Terry, Pinehurst; and Sarah Elizabeth Wilkinson, Pinehurst.

ADDITIONAL SPONSORS

Senator Soles and Senator Weinstein requests to be added as sponsors of previously introduced legislation:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Upon motion of Senator Basnight, seconded by Senator Albertson, the Senate adjourns at 1:32 P.M. to meet tomorrow, June 8, at 2:00 P.M.

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SEVENTY-SEVENTH DAY

Senate Chamber
Wednesday, June 8, 2005

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 Tammy Lee, Chapel of the Cross Episcopal Parish, Chapel Hill, North Carolina as follows:

"O God, the fountain of all wisdom, whose will is good and gracious, and whose law is truth, we beseech you to guide and bless those in the legislature of North Carolina. Grant them wisdom and grace as they exercise their duties. Give them courage when their hearts are weary and the way is treacherous. Grant them foresight to provide for the needs of the people of this State. In your mercy grant that they may enact laws that please you and, finally, that with steadfast purpose they may faithfully serve in their offices being a blessing to one another and to the citizens of North Carolina. For yours, O God, is the Kingdom and you are exalted as head over all. Amen. "

The Chair grants a leave of absence for today to Senator Malone.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, 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 of the Senate extends privileges of the floor to Dr. Mark Hennessy from Jacksonville, North Carolina, who is serving the Senate as Doctor of the Day, and to Rhonda Stikeleather from Hickory, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 916, AN ACT TO EXTEND THE SUNSET FROM THE LAW EXEMPTING FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS.

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. 116, AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS PLANT OF THE STATE OF NORTH CAROLINA. (Became law upon approval of the Governor, June 7, 2005 - S.L. 2005-74.)

S.B. 763, AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC. (Became law upon approval of the Governor, June 7, 2005 - S.L. 2005-75.)

H.B. 1206, AN ACT TO ALLOW THE USE OF DOMESTICALLY PROPAGATED WATERFOWL AND GAME BIRDS IN DOG TRAINING UNDER CERTAIN CONDITIONS. (Became law upon approval of the Governor, June 7, 2005 - S.L. 2005-76.)

H.B. 583, AN ACT DESIGNATING THE COMMUNITY COLLEGES SYSTEM OFFICE AS THE PRIMARY LEAD AGENCY FOR DELIVERING WORKFORCE DEVELOPMENT TRAINING, LITERACY, AND ADULT EDUCATION IN THE STATE, AND TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES. (Became law upon approval of the Governor, June 7, 2005 - S.L. 2005-77.)

S.B. 884, AN ACT RECOGNIZING THE SEAGROVE AREA AS THE BIRTHPLACE OF NORTH CAROLINA TRADITIONAL POTTERY. (Became law upon approval of the Governor, June 7, 2005 - S.L. 2005-78.)

H.B. 631, AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF MAGGIE VALLEY. (Became law upon ratification, June 7, 2005 - S.L. 2005-79.)

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 658 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS, with a favorable report.

H.B. 1320, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURES OF CERTAIN MONETARY TRANSMISSIONS, with a favorable report.

H.B. 672 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS

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ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF A DEMUTUALIZED INSURANCE COMPANY, 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 50464, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1230 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OF THE STATE.

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**.

S.B. 369 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Nesbitt, Pittenger, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—45.

Voting in the negative: Senators East, Forrester, Presnell and Webster—4.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, June 8.

S.B. 443 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS.

The Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives.

Upon motion of Senator Basnight, seconded by Senator Snow, the Senate adjourns subject to reading of messages from the Governor and House of Representatives, to meet tomorrow, June 9, at 11:00 A.M.

June 8, 2005

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:



**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301**

MICHAEL F. EASLEY
GOVERNOR

June 6, 2005

The Honorable Beverly Perdue
Lieutenant Governor
310 North Blount Street
Raleigh, NC 27603

Dear Lieutenant Governor Perdue:

Pursuant to General Statute § 135-6, I hereby reappoint Norwood Clark, Joyce Elliott and Chancellor Allen Meadors to the North Carolina Teachers' and State Employees' Retirement System Board of Trustees and submit their names pending consideration of consent by the North Carolina Senate. Their terms are effective immediately pending confirmation and will expire June 30, 2009.

Enclosed is biographical information on each appointee. Please feel free to call on them or members of my office of Boards and Commissions if you need additional information.

With kindest regards, I remain.

Very truly yours,

A handwritten signature in black ink that reads "Mike Easley".

Michael F. Easley

Referred to the **Pensions & Retirement and Aging Committee.**

June 8, 2005

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:



**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301**

MICHAEL F. EASLEY
GOVERNOR

2 June, 2005

The Honorable Beverly Perdue
Lieutenant Governor
310 North Blount Street
Raleigh, NC 27603

Dear Lieutenant Governor Perdue:

Pursuant to General Statute § 106-2, I hereby reappoint Jeffrey B. Turner and Maurice K. Berry, Jr. and appoint Doug Torn to the North Carolina State Board of Agriculture and submit their names for consideration of consent by the North Carolina Senate. Their terms are effective immediately pending confirmation and will expire May 2, 2011.

Enclosed is biographical information on each appointee. Please feel free to call on them or members of my office of Boards and Commissions if you need additional information.

With kindest regards, I remain.

Very truly yours,

A handwritten signature in black ink that reads "Mike Easley".

Michael F. Easley

Referred to the **Agriculture/Environment/Natural Resources Committee.**

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:33 P.M.

June 8, 2005

SEVENTY-EIGHTH DAY

Senate Chamber
Thursday, June 9, 2005

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:

"O Lord, in the Gospel of John, Jesus says, 'Whoever perseveres in believing in me can do the things that I am doing.' That person can do even greater things than I am doing. His statement is both humbling and convicting. The danger for most of us does not lie in setting our aim too high and falling short, but in setting our aim too low and achieving our mark. Help us to dare to do greater things than we ever thought possible, through Your presence and for Your sake, Amen."

The Chair grants leaves of absence for today to Senator Hoyle and Senator Tillman.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, 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 privileges of the floor to Dr. Robert Palmer from Tryon, North Carolina, who is serving the Senate as Doctor of the Day, and to Robin York from Mooresboro, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 844, AN ACT TO AMEND THE LAW REGARDING MANAGED HUNTS.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 862, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW PROHIBITING THE REMOVAL OF ELECTRONIC COLLARS FROM DOGS APPLY STATEWIDE, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, June 14.

June 9, 2005

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 658 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS.

Upon motion of Senator Rand, the President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Upon motion of Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 14.

H.B. 672 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF A DEMUTUALIZED INSURANCE COMPANY.

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. 1320, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURES OF CERTAIN MONETARY TRANSMISSIONS.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 896, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE STATE BAR WITH AN APPEAL OF RIGHT FROM FINAL ORDERS OF THE DISCIPLINARY HEARING COMMISSION AND TO INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL MEMBERSHIP FEES FOR MEMBERS OF THE STATE BAR, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

June 9, 2005

By Senator Kerr for the **Finance Committee**:

S.B. 1077, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE DURATION OF A MOTORCYCLE LEARNER'S PERMIT AND TO SET THE FEE FOR THE PERMIT, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, June 14.

H.B. 470 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, June 14.

H.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Upon motion of Senator Rand, the Committee Substitute bill, as amended, is placed on the Calendar for Tuesday, June 14.

H.B. 131, A BILL TO BE ENTITLED AN ACT TO ADD ONSLOW 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 Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70515, which changes the title upon concurrence to read **H.B. 131** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SEVERAL ADDITIONAL COUNTIES TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 14.

H.B. 370, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF LANDIS, 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 10365, which changes the title upon concurrence to read **H.B. 370** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF LANDIS AND SPENCER, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 14.

June 9, 2005

CALENDAR (*continued*)

H.B. 658 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS, temporarily displaced earlier.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

ADDITIONAL SPONSOR

Senator Smith requests to be added as a sponsor of previously introduced legislation:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns at 11:28 A.M. to meet Monday, June 13, at 7:00 P.M.

SEVENTY-NINTH DAY

Senate Chamber
Monday, June 13, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, we confess that our world has become so small, our imaginations sometimes too confined. We expect to have happen this week much of what happened last week. Too often we plod along searching for sameness rather than surprise. We pray that you would give us the joy which comes when your spirit breathes into our lives, disruptive, intruding, bringing life. Everything in this world is not of our own devising because you are free to create, to change and to move. Would you be so active among us this week we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Graham, Senator Purcell and Senator Weinstein.

June 13, 2005

Senator Rand announces that the Journal of Thursday, 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 Deputy President Pro Tempore of the Senate extends privileges of the floor to Dr. Conrad Flick from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Tammy Strickland from Knightdale, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWAL FROM COMMITTEE

H.J.R. 1582 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. AND THE APPOINTMENT OF DR. ROBERT K. KOGER TO THE UTILITIES COMMISSION, referred to the **Rules and Operations of the Senate Committee** on May 17.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute joint resolution 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 joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Commerce Committee**.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 494, AN ACT TO ENCOURAGE DEPLOYMENT OF COMPETITIVE BROADBAND SERVICE BY PUBLIC UTILITIES.

S.B. 507, AN ACT TO PROVIDE THAT AN OFFENSE COMMITTED AGAINST OR THAT PROXIMATELY CAUSES SERIOUS INJURY TO A SOCIAL WORKER IS AN AGGRAVATING FACTOR.

S.B. 988, AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY TO GASTON COLLEGE.

H.B. 658, AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS.

H.B. 1320, AN ACT TO REQUIRE DISCLOSURES OF CERTAIN MONETARY TRANSMISSIONS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

June 13, 2005

S.B. 368, AN ACT TO CHANGE THE MANNER OF ELECTION OF THE FRANKLIN COUNTY BOARD OF EDUCATION FROM PARTISAN TO NONPARTISAN.

H.B. 940, AN ACT AUTHORIZING THE TOWNS OF AYDEN, LELAND, AND PINEVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWNS' OVERGROWN VEGETATION ORDINANCE.

WITHDRAWAL FROM COMMITTEE

H.B. 926 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONCEAL THE DEATH OF A PERSON, referred to the **Judiciary I Committee** on May 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Judiciary II Committee**.

Upon the appearance of Senator Purcell in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 472 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS, TO REQUIRE PERSONS CONVICTED OF THIS OFFENSE TO REGISTER AS SEX OFFENDERS, AND TO AUTHORIZE THE STATE BUREAU OF INVESTIGATION TO INVESTIGATE CERTAIN CRIMES COMMITTED BY USE OF A COMPUTER, for concurrence in the House Committee Substitute.

Referred to the **Judiciary I Committee**.

H.B. 945 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEVY OF ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES IN CASWELL COUNTY, THE CITIES OF EDEN AND REIDSVILLE, THE TOWNS OF BENSON, BOILING SPRINGS, KENLY, AND YANCEYVILLE, AND TO AMEND OCCUPANCY TAXES IN DURHAM, HALIFAX, SELMA, AND SMITHFIELD; AND TO CLARIFY THE AUTHORITY OF THE COUNTY OF DURHAM TO ENTER INTO PUBLIC-PRIVATE PROJECTS.

Referred to the **Finance Committee**.

June 13, 2005

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1630 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE WITHOUT CONFORMING TO THE DEDUCTION FOR DOMESTIC PRODUCTION ACTIVITIES, STATE AND LOCAL SALES AND USE TAXES, AND CERTAIN INTERNATIONAL SHIPPING ACTIVITIES; EXTENDING THE EIGHT AND ONE-QUARTER PERCENT UPPER INDIVIDUAL INCOME TAX BRACKET AS ENACTED IN 2001 FOR THE 2006 AND 2007 TAXABLE YEARS; EXTENDING THE ESTATE TAX UNTIL JANUARY 1, 2010; EXTENDING THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX UNTIL JULY 1, 2007; MAKING SALES TAX CHANGES REQUIRED BY THE STREAMLINED SALES TAX AGREEMENT; RETAINING THE USE TAX LINE ON THE INDIVIDUAL INCOME TAX RETURN UNTIL 2010; AND APPLYING THE SALES TAX TO CANDY, WARRANTY SERVICE AGREEMENTS, CABLE SERVICES, VOICE MAIL, AND SATELLITE RADIO.

Referred to the **Finance Committee**.

Upon motion of Senator Rand, seconded by Senator Jacumin, the Senate adjourns at 7:22 P.M. to meet tomorrow, June 14, at 2:00 P.M.

EIGHTIETH DAY

Senate Chamber
Tuesday, June 14, 2005

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 of freedom, we thank you this day for our American flag, rippling in free winds, appointed in stars, carrying the stories of great sacrifice. Our flag has served as a magnet to millions of immigrants escaping tyranny and poverty. Draped over the caskets of fallen heroes, our flag defines bravery in a way words never shall. She has withstood the battery of our own civic strife, been disbarred, tramped and burned by dissenters, withstanding our own cultural

June 14, 2005

redefinition, only to remain waving strongly in our world. Bless our land and make it great, a shining light of peace, safety, freedom and opportunity for all, a heritage for all the world to see. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, June 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Keith Kittelberger from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 368, AN ACT TO CHANGE THE MANNER OF ELECTION OF THE FRANKLIN COUNTY BOARD OF EDUCATION FROM PARTISAN TO NONPARTISAN. (Became law upon ratification, June 13, 2005 - S.L. 2005-80.)

H.B. 940, AN ACT AUTHORIZING THE TOWNS OF AYDEN, LELAND, AND PINEVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWNS' OVERGROWN VEGETATION ORDINANCE. (Became law upon ratification, June 13, 2005 - S.L. 2005-81.)

RECOGNITION OF MISS USA

With unanimous consent, upon motion of Senator Clodfelter, the privileges of the floor are extended to Miss USA, Chelsea Cooley, from Charlotte. Senator Clodfelter, Senator Dannelly, Senator Graham, Senator Pittenger, and Senator Goodall are appointed to escort Miss USA to the Well of the Senate.

Miss Cooley is recognized to address the Senate.

She is escorted from the Chamber by the Escort Committee and departs to a standing ovation.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 514, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY MOTION FILED IN A CIVIL ACTION WHEN THE ACTION IS PENDING IN A SUPERIOR COURT OF A COUNTY THAT IS IN A SUPERIOR COURT DISTRICT CONSISTING OF MORE THAN ONE COUNTY MAY BE HEARD IN ANY SUPERIOR COURT IN THAT SUPERIOR COURT DISTRICT, with a favorable report.

June 14, 2005

H.B. 878 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONFERENCE OF CLERKS OF SUPERIOR COURT, with a favorable report.

S.B. 796, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CRIMINAL RECORD CHECKS OF APPLICANTS FOR PERMITS AND LICENSES TO CONDUCT ARCHAEOLOGICAL OPERATIONS AND INVESTIGATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75330, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST MAY FILE AN AFFIDAVIT FOR INVOLUNTARY COMMITMENT WITH THE CLERK OR MAGISTRATE EITHER BY HAND DELIVERY OF THE ORIGINAL AFFIDAVIT OR BY FACSIMILE TRANSMISSION OF A PAPER COPY OF THE AFFIDAVIT, 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 50465, is adopted and engrossed.

H.B. 217 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN 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 60496, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT FONTANA LAKE AND THE WATERS DRAINING TO THE NORTH SHORE OF FONTANA LAKE, with a favorable report.

H.B. 1336 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF METHYL TERTIARY BUTYL ETHER (MTBE) IN MOTOR FUELS, TO DIRECT THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND THE COMMISSIONER OF AGRICULTURE TO STUDY THE FEASIBILITY AND ADVANTAGES OF A COORDINATED APPROACH TO THE PHASEOUT OF MTBE IN THE SOUTHEAST REGION OF THE UNITED STATES, AND TO DIRECT THE SECRETARY AND THE COMMISSIONER TO WORK COOPERATIVELY WITH SOUTHEASTERN

STATES TO DEVELOP AND IMPLEMENT A REGIONAL APPROACH, with a favorable report.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 532, A BILL TO BE ENTITLED AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED, 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 10366, is adopted and engrossed.

H.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO FALSIFY, OR DIRECT ANOTHER TO FALSIFY, A HIGHWAY CONSTRUCTION INSPECTION REPORT OR TEST REPORT REQUIRED BY THE DEPARTMENT OF TRANSPORTATION, with a favorable report.

H.B. 1054, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS THAT ARE A PARTY TO THE SWIFT CREEK MANAGEMENT PLAN AND CERTAIN CITIZENS OF THOSE LOCAL GOVERNMENTS HAVE STANDING TO ENFORCE THE PROVISIONS OF S.L. 1998-192, with a favorable report.

S.B. 327, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85268, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1102, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS, AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M., 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 60492, which changes the title upon concurrence to read **H.B. 1102** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M., is adopted and engrossed.

June 14, 2005

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:



*North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh, NC 27601-2808*

June 14, 2005

The President of the Senate and Members of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601-2808

Dear Madame President and Members of the Senate:

In compliance with the provision of G.S. 106-2, which requires that appointments to the Board of Agriculture be made by the Governor and with the consent of the Senate, Governor Easley has submitted his appointees: Mr. Jeffrey B. Turner, Mr. Maurice K. Berry, Jr., and Mr. Doug Torn for consent. Their terms are effective immediately, and will expire May 2, 2011.

The Senate Committee on Agriculture/Environment/Natural Resources has considered the appointments and makes the following recommendation to the Senate:

That the Senate consent to the appointment of Mr. Doug Torn and the re-appointments of Mr. Jeffrey B. Turner, and Mr. Maurice K. Berry, Jr., to the Board of Agriculture for terms that will begin immediately and that will expire May 2, 2011.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles W. Albertson".

Charles W. Albertson, Chair
Senate Agriculture/Environment/
Natural Resources Committee

Senator Albertson offers a motion that the Senate adopt the report of the Committee which motion prevails. The Senate consents to the appointments by the Governor pursuant to G.S. 106-2 of Mr. Jeffrey B. Turner, Mr. Maurice K. Berry, Jr., and Mr. Doug Torn (50-0).

June 14, 2005

By Senator Soles for the **Commerce Committee**:

H.B. 676, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE OFFICE OF STATE BUDGET AND MANAGEMENT MUST APPROVE CERTAIN FEES RELATING TO GOVERNMENT E-COMMERCE IN CONSULTATION WITH THE STATE CHIEF INFORMATION OFFICER AND THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS, with a favorable report.

H.B. 786 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE DEALERS LICENSING ACT, with a favorable report.

H.B. 1226, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING INSPECTION, REVIEW, AND EXAMINATION OF PRISON FACILITIES CONSTRUCTED THROUGH LEASE-PURCHASE AGREEMENT, with a favorable report.

H.J.R. 1582 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. AND THE APPOINTMENT OF DR. ROBERT K. KOGER TO THE UTILITIES COMMISSION, with an unfavorable report as to Committee Substitute Joint Resolution, but favorable as to Senate Committee Substitute Joint Resolution.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute Joint Resolution 70518, which changes the title upon concurrence to read **H.J.R. 1582** (Senate Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF DR. ROBERT K. KOGER TO THE UTILITIES COMMISSION, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 470 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger,

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Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: Senators Forrester, Presnell and Webster—3.

The Committee Substitute bill remains on the Calendar for tomorrow, June 15, upon third reading.

H.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY, as amended by the Finance Committee, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: Senators Forrester, Presnell and Webster—3.

The Committee Substitute bill remains on the Calendar for tomorrow, June 15, upon third reading.

H.B. 370 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF LANDIS AND SPENCER, upon second reading.

Senator Hartsell offers Amendment No. 1 which is adopted (50-0), and changes the title to read **H.B. 370** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS, AND THE TOWNS OF LANDIS AND SPENCER.

The amendment is ruled to be material, which constitutes first reading.

The Senate Committee Substitute bill, as amended, is placed on the Calendar for tomorrow, June 15, upon second reading.

H.B. 131 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SEVERAL ADDITIONAL COUNTIES TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

Senator Smith offers Amendment No. 1 which is adopted (50-0).

The Senate Committee Substitute bill, as amended, passes its second (50-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 1077, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE DURATION OF A MOTORCYCLE LEARNER'S PERMIT AND TO SET THE FEE FOR THE PERMIT.

Senator Berger of Rockingham offers Amendment No. 1 which is adopted (50-0).

The bill, as amended, passes its second (50-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 862, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW PROHIBITING THE REMOVAL OF ELECTRONIC COLLARS FROM DOGS APPLY STATEWIDE.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Karla Paige Albertson, Beulaville; Ashley L. Berger, Eden; Amber Denton-Carter, Louisburg; Nathan James Glover, Apex; Maria Caitlin Howell, Dallas; Susanne M. Jones, Fayetteville; Stephen Donovan Kent, Greensboro; Christopher Muniz Lafargue, New Bern; Jared Alexander Law III, Charlotte; Cameron Paul Lee, Cary; Alexandra K. Leonard, Garner; Elizabeth Lankford Lewis, Fairmont; Charles Alexander Martin, Raleigh; Sarah K. McGuire, Eden; Jonathan Noble, Lumberton; William Patterson, Raleigh; Igor Lawrence Pediaditakis, Raleigh; Akeem Tyrone Perez, Raleigh; Bridget Porowski, Raleigh; Walker Alexander Sigmon, Conover; Allen Stanton, Nashville; Katharine West, Raleigh; and Emily Wong, Gastonia.

ADDITIONAL SPONSOR

Senator Presnell requests to be added as a sponsor of previously introduced legislation:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns subject to receipt of committee reports, to meet tomorrow, June 15, at 2:00 P.M.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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By Senator Shaw for the **Transportation Committee**:

H.B. 253 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ADOPT TRANSPORTATION CORRIDOR OFFICIAL MAPS, TO INCREASE THE NUMBER OF PROJECTS THE AUTHORITY MAY UNDERTAKE FROM THREE TO NINE, AND TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, 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 60497, which changes the title upon concurrence to read **H.B. 253** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ADOPT TRANSPORTATION CORRIDOR OFFICIAL MAPS, TO INCREASE THE NUMBER OF PROJECTS THE AUTHORITY MAY UNDERTAKE FROM THREE TO NINE, TO AUTHORIZE USE OF INCENTIVES IN TURNPIKE CONTRACTS, TO REQUIRE THE AUTHORITY TO CONTRACT WITH A SINGLE FIRM TO DESIGN, ACQUIRE PERMITS FOR, AND CONSTRUCT A DESCRIBED BRIDGE, TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AND TO REQUIRE AN EIGHTEEN-HOUR HURRICANE EVACUATION STANDARD TO BE USED FOR BRIDGE OR HIGHWAY CONSTRUCTION, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:10 P.M.

EIGHTY-FIRST DAY

Senate Chamber
Wednesday, June 15, 2005

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:

"Our Father and our Lord and Savior, we come before you this afternoon in thanksgiving. Thank you, our Father, for a land of freedom and a land of opportunity. As we come now to do the business of the people of North Carolina we ask for your blessing to be upon us and that you would give us guidance and direction. In thy name we pray. Amen."

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Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, 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 privileges of the floor to Linda Rogers from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 710, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

H.B. 862, AN ACT TO MAKE THE LAW PROHIBITING THE REMOVAL OF ELECTRONIC COLLARS FROM DOGS APPLY STATEWIDE.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 206, AN ACT TO CLARIFY THE CORPORATE LIMITS OF THE TOWN OF SALEMBURG AND TO VALIDATE ELECTIONS AND ACTS OF THE TOWN.

S.B. 249, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE.

S.B. 442, AN ACT AUTHORIZING THE TOWN OF BLOWING ROCK TO ESTABLISH AN OFF-STREET PARKING FUND.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Holloman for the **State & Local Government Committee**:

H.B. 922 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FILLING OF VACANCIES IN THE OFFICES OF REGISTER OF DEEDS, SHERIFF, AND COUNTY COMMISSIONER IN BEAUFORT COUNTY SHALL BE IN ACCORDANCE WITH GENERAL LAW, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on Calendar for June 21.

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H.B. 1055 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on Calendar for June 21.

By Senator Kinnaird for the **Mental Health & Youth Services Committee**:

H.B. 1262, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA SOCIAL WORK CERTIFICATION AND LICENSURE BOARD TO EMPLOY PERSONNEL NECESSARY TO CARRY OUT THE PROVISIONS OF THE SOCIAL WORK CERTIFICATION AND LICENSURE ACT, with a favorable report.

Upon motion of Senator Rand, the bill is placed on Calendar for June 21.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 470 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Cowell, Dalton, Dannelly, Dorsett, East, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: Senators Forrester, Presnell and Webster—3.

The Committee Substitute bill is ordered enrolled.

H.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY, as amended by the **Finance Committee**, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Cowell, Dalton, Dannelly, Dorsett, East, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin,

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Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: Senators Forrester, Presnell and Webster—3.

The Committee Substitute bill is ordered enrolled. (The Committee Substitute bill was recalled from the enrolling office and sent to the House of Representatives for concurrence on June 16.)

H.B. 253 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ADOPT TRANSPORTATION CORRIDOR OFFICIAL MAPS, TO INCREASE THE NUMBER OF PROJECTS THE AUTHORITY MAY UNDERTAKE FROM THREE TO NINE, TO AUTHORIZE USE OF INCENTIVES IN TURNPIKE CONTRACTS, TO REQUIRE THE AUTHORITY TO CONTRACT WITH A SINGLE FIRM TO DESIGN, ACQUIRE PERMITS FOR, AND CONSTRUCT A DESCRIBED BRIDGE, TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AND TO REQUIRE AN EIGHTEEN-HOUR HURRICANE EVACUATION STANDARD TO BE USED FOR BRIDGE OR HIGHWAY CONSTRUCTION.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Transportation Committee**.

H.B. 532 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED.

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 20.

H.B. 1102 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 20.

H.B. 217 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES.

Upon motion of Senator Hagan, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, June 16.

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The Senate recesses at 2:25 P.M. to reconvene at 2:45 P.M. subject to receipt of committee reports.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 510 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY, 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 60498, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on Calendar for June 21.

H.B. 666 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS, 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 70517, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on Calendar for June 21.

By Senator Purcell for the **Health Care Committee**:

H.B. 874 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TITLE OF THE SAFETY AND HEALTH REVIEW BOARD UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA TO THE NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, TO CHANGE THE TITLE OF THE OFFICE OF OCCUPATIONAL SAFETY AND HEALTH TO THE OCCUPATIONAL SAFETY AND HEALTH DIVISION, AND TO RESTORE THE AUTHORITY OF THE BOARD TO ASSESS PENALTIES IN THE CASE OF AN APPEAL, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on Calendar for June 21.

H.B. 1357 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ACUPUNCTURE LICENSING BOARD TO EMPLOY CERTAIN PROFESSIONAL ADVISORS; TO CLARIFY QUALIFICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL, AND INACTIVE, SUSPENDED, EXPIRED, AND LAPSED LICENSES; TO CLARIFY

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CONTINUING EDUCATION; AND TO INCREASE AND ESTABLISH CERTAIN 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 70519, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 436, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DURHAM, referred to the **Rules and Operations of the Senate Committee** on March 9.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Shaw for the **Transportation Committee**:

H.B. 253 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ADOPT TRANSPORTATION CORRIDOR OFFICIAL MAPS, TO INCREASE THE NUMBER OF PROJECTS THE AUTHORITY MAY UNDERTAKE FROM THREE TO NINE, TO AUTHORIZE USE OF INCENTIVES IN TURNPIKE CONTRACTS, TO REQUIRE THE AUTHORITY TO CONTRACT WITH A SINGLE FIRM TO DESIGN, ACQUIRE PERMITS FOR, AND CONSTRUCT A DESCRIBED BRIDGE, TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AND TO REQUIRE AN EIGHTEEN-HOUR HURRICANE EVACUATION STANDARD TO BE USED FOR BRIDGE OR HIGHWAY CONSTRUCTION, 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, 60499, which changes the title upon concurrence to read **H.B. 253** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ADOPT TRANSPORTATION CORRIDOR OFFICIAL MAPS, TO INCREASE THE

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NUMBER OF PROJECTS THE AUTHORITY MAY UNDERTAKE FROM THREE TO NINE, TO AUTHORIZE USE OF INCENTIVES IN TURNPIKE CONTRACTS, TO REQUIRE THE AUTHORITY TO CONTRACT WITH A SINGLE FIRM TO DESIGN, ACQUIRE PERMITS FOR, AND CONSTRUCT A DESCRIBED BRIDGE, TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, TO REQUIRE AN EIGHTEEN-HOUR HURRICANE EVACUATION STANDARD TO BE USED FOR BRIDGE OR HIGHWAY CONSTRUCTION, AND TO EXPEDITE CONSTRUCTION OF A REPLACEMENT FOR THE HERBERT C. BONNER BRIDGE, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended, without objection, and the Senate Committee Substitute bill No. 2 is placed on today's Calendar.

CALENDAR (*continued*)

H.B. 370 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF LANDIS AND SPENCER, upon second reading as amended by a material amendment on June 14 which changes the title upon concurrence to read, **H.B. 370** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS, AND THE TOWNS OF LANDIS AND SPENCER.

Senator Allran offers Amendment No. 2 which is adopted (49-0) and changes the title upon concurrence to read, **H.B. 370** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS, AND THE TOWNS OF LANDIS AND SPENCER AND TO REMOVE DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF HICKORY.

Amendment No. 2 is ruled to be material, which constitutes first reading.

The bill, as amended, remains on the Calendar upon second reading.

H.B. 1054, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS THAT ARE A PARTY TO THE SWIFT CREEK MANAGEMENT PLAN AND CERTAIN CITIZENS OF THOSE LOCAL GOVERNMENTS HAVE STANDING TO ENFORCE THE PROVISIONS OF S.L. 1998-192.

The bill passes its second and third readings and is ordered enrolled.

H.B. 253 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ADOPT TRANSPORTATION CORRIDOR OFFICIAL MAPS, TO INCREASE THE NUMBER OF PROJECTS THE AUTHORITY MAY UNDERTAKE FROM THREE TO NINE, TO AUTHORIZE USE OF INCENTIVES IN TURNPIKE CONTRACTS, TO REQUIRE THE AUTHORITY TO CONTRACT WITH A SINGLE FIRM TO DESIGN, ACQUIRE PERMITS FOR, AND CONSTRUCT A DESCRIBED BRIDGE, TO AMEND THE

AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, TO REQUIRE AN EIGHTEEN-HOUR HURRICANE EVACUATION STANDARD TO BE USED FOR BRIDGE OR HIGHWAY CONSTRUCTION, AND TO EXPEDITE CONSTRUCTION OF A REPLACEMENT FOR THE HERBERT C. BONNER BRIDGE, placed earlier on today's Calendar.

Without objection, Senator Pittenger requests to be excused from voting on the Senate Committee Substitute bill No. 2 due to a conflict of interest.

The Senate Committee Substitute bill No. 2 passes its second reading (40-9).

Senator Horton objects to third reading of the measure. Upon motion of Senator Rand, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, June 21, upon third reading.

WITHDRAWAL FROM CALENDAR

H.B. 370 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS, AND THE TOWNS OF LANDIS AND SPENCER AND TO REMOVE DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF HICKORY, placed earlier on the Calendar for Thursday, June 16.

Senator Rand offers a motion that the Committee Substitute bill, as amended, be withdrawn from the Calendar for Thursday, June 16, and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill, as amended, withdrawn from the Calendar for Thursday, June 16, and re-refers the measure to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 472 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS, TO REQUIRE PERSONS CONVICTED OF THIS OFFENSE TO REGISTER AS SEX OFFENDERS, AND TO AUTHORIZE THE STATE BUREAU OF INVESTIGATION TO INVESTIGATE CERTAIN CRIMES COMMITTED BY USE OF A COMPUTER, referred to the **Judiciary I Committee** on June 13.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Judiciary I Committee** and placed on the Calendar for Tuesday, June 21, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Judiciary I Committee** and places it on the Calendar for Tuesday, June 21.

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REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 9, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, with a favorable report.

Upon motion of Senator Rand, the bill is placed on Calendar for Tuesday, June 21.

H.B. 581, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS, with a favorable report.

Upon motion of Senator Rand, the bill is placed on Calendar for Tuesday, June 21.

H.B. 743, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EAST SPENCER, with a favorable report.

Upon motion of Senator Rand, the bill is placed on Calendar for Tuesday, June 21.

H.B. 828, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE, with a favorable report.

Upon motion of Senator Rand, the bill is placed on Calendar for Tuesday, June 21.

S.B. 1144, A BILL TO BE ENTITLED AN ACT TO ATTRACT AND RETAIN FILM INDUSTRY JOBS IN THIS STATE BY PROVIDING FOR A TAX INCENTIVE FOR PRODUCTION COMPANIES IN THE STATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15255, is adopted and engrossed.

Upon motion of Senator Rand, the Rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

H.B. 217 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES.

Upon motion of Senator Hagan, the Senate Committee Substitute bill is withdrawn from the Calendar for Thursday, June 16, and placed on the Calendar for Tuesday, June 21.

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COMMITTEE REPORT

By Senator Hagan for the **Pensions & Retirement and Aging Committee:**

**SENATE COMMITTEE ON PENSIONS & RETIREMENT AND AGING
2005-2006 Biennium**

Senator Kay Hagan, Co-Chair
411 LOB
Raleigh, NC
(919) 733-5856

June 14, 2005

The President and Members of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601

Dear Madame President and Members of the Senate:

In compliance with the provisions of G.S. 135-6 requiring appointees to the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System to be confirmed by the Senate, Governor Easley has submitted the following for reappointment: Mr. Norwood Clark, Ms. Joyce Elliot and Chancellor Allen Meadors, for confirmation. Their terms are effective immediately pending confirmation and will expire June 30, 2009.

The Senate Committee on Pensions & Retirement and Aging has considered the appointments and makes the following recommendation to the Senate:

That the reappointment of Mr. Norwood Clark, Ms. Joyce Elliot and Chancellor Allen Meadors to the Board of Trustees of the Teachers' and State Employees' Retirement System beginning immediately and expiring June 30, 2009, be confirmed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kay R. Hagan".

Senator Kay R. Hagan

Upon motion of Senator Hagan, the reappointment of Mr. Norwood Clark, Ms. Joyce Elliot and Chancellor Allen Meadors to the Board of Trustees of the Teacher's and State Employees' Retirement System is confirmed (50-0).

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CALENDAR (*continued*)

H.B. 514, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY MOTION FILED IN A CIVIL ACTION WHEN THE ACTION IS PENDING IN A SUPERIOR COURT OF A COUNTY THAT IS IN A SUPERIOR COURT DISTRICT CONSISTING OF MORE THAN ONE COUNTY MAY BE HEARD IN ANY SUPERIOR COURT IN THAT SUPERIOR COURT DISTRICT.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 21.

H.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO FALSIFY, OR DIRECT ANOTHER TO FALSIFY, A HIGHWAY CONSTRUCTION INSPECTION REPORT OR TEST REPORT REQUIRED BY THE DEPARTMENT OF TRANSPORTATION.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 676, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE OFFICE OF STATE BUDGET AND MANAGEMENT MUST APPROVE CERTAIN FEES RELATING TO GOVERNMENT E-COMMERCE IN CONSULTATION WITH THE STATE CHIEF INFORMATION OFFICER AND THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 786 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE DEALERS LICENSING ACT.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 878 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONFERENCE OF CLERKS OF SUPERIOR COURT.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT FONTANA LAKE AND THE WATERS DRAINING TO THE NORTH SHORE OF FONTANA LAKE.

The Committee Substitute bill passes its second (29-20) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1199 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST MAY FILE AN AFFIDAVIT FOR INVOLUNTARY COMMITMENT WITH

THE CLERK OR MAGISTRATE EITHER BY HAND DELIVERY OF THE ORIGINAL AFFIDAVIT OR BY FACSIMILE TRANSMISSION OF A PAPER COPY OF THE AFFIDAVIT.

The Senate Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1226, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING INSPECTION, REVIEW, AND EXAMINATION OF PRISON FACILITIES CONSTRUCTED THROUGH LEASE-PURCHASE AGREEMENT.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1336 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF METHYL TERTIARY BUTYL ETHER (MTBE) IN MOTOR FUELS, TO DIRECT THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND THE COMMISSIONER OF AGRICULTURE TO STUDY THE FEASIBILITY AND ADVANTAGES OF A COORDINATED APPROACH TO THE PHASEOUT OF MTBE IN THE SOUTHEAST REGION OF THE UNITED STATES, AND TO DIRECT THE SECRETARY AND THE COMMISSIONER TO WORK COOPERATIVELY WITH SOUTHEASTERN STATES TO DEVELOP AND IMPLEMENT A REGIONAL APPROACH.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.J.R. 1582 (Senate Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF DR. ROBERT K. KOGER TO THE UTILITIES COMMISSION.

The Senate Committee Substitute joint resolution passes its second (50-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute joint resolution.

S.B. 1144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ATTRACT AND RETAIN FILM INDUSTRY JOBS IN THIS STATE BY PROVIDING FOR A TAX INCENTIVE FOR PRODUCTION COMPANIES IN THE STATE, placed earlier on today's Calendar.

Senator Goodall offers Amendment No. 1 which fails of adoption (24-26).

The Committee Substitute bill passes its second reading (35-15).

Senator Boseman objects to third reading of the measure. Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, June 21.

Upon motion of Senator Basnight, seconded by Senator Clodfelter, the Senate adjourns at 4:30 P.M. subject to receipt of committee reports, to meet tomorrow, June 16, at 11:00 A.M.

June 15, 2005

EIGHTY-SECOND DAY

Senate Chamber
Thursday, June 16, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Dr. Dennis Hill, Mt. Carmel Baptist Church, Chapel Hill, North Carolina as follows:

"O God, Creator of all we know and of all we have yet to discover, we give thanks for the simple things which you have blessed us, and for the privilege of serving the men and women and children of this State. We confess, O God, that we like to think of ourselves as good and honorable people because we do not see ourselves as you see us. We humbly bow before you because we know that you have been merciful to sinners and even a friend of sinners. We too, as sinners, come with hope to receive your blessing, a blessing of wisdom and courage that will enable us to do justice, to love mercy, and to walk humbly with you throughout the long hours of this day, that at the end of the day, may our work together, with you in our midst, create a glimmer of light that will shine through the years to come. And may that light bring hope to the poor, and justice to the oppressed, peace to those who are at war, and honor to you. Amen."

The Chair grants leaves of absence for today to Senator Malone and Senator Weinstein.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, 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 Pro Tempore of the Senate extends privileges of the floor to Dr. Richard Foulke from Matthews, North Carolina, who is serving the Senate as Doctor of the Day, and to Bettie Glenn from Wilmington, North Carolina, who is serving the Senate as Nurse of the Day.

RECALL FROM ENROLLING

H.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY, as amended by the Finance Committee on June 9 and passed third reading on June 15 and ordered enrolled.

Senator Rand offers a motion that the Committee Substitute bill, as amended, be recalled from enrolling and placed before the Senate for further consideration, which motion prevails. The President orders the bill sent to the House of Representatives for concurrence in Senate Amendment No. 1.

June 16, 2005

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 664, AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO FALSIFY, OR DIRECT ANOTHER TO FALSIFY, A HIGHWAY CONSTRUCTION INSPECTION REPORT OR TEST REPORT REQUIRED BY THE DEPARTMENT OF TRANSPORTATION.

H.B. 676, AN ACT PROVIDING THAT THE OFFICE OF STATE BUDGET AND MANAGEMENT MUST APPROVE CERTAIN FEES RELATING TO GOVERNMENT E-COMMERCE IN CONSULTATION WITH THE STATE CHIEF INFORMATION OFFICER AND THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS.

H.B. 786, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE DEALERS LICENSING ACT.

H.B. 878, AN ACT TO ESTABLISH THE CONFERENCE OF CLERKS OF SUPERIOR COURT.

H.B. 1189, AN ACT TO PROTECT FONTANA LAKE AND THE WATERS DRAINING TO THE NORTH SHORE OF FONTANA LAKE.

H.B. 1226, AN ACT TO CLARIFY THE LAW REGARDING INSPECTION, REVIEW, AND EXAMINATION OF PRISON FACILITIES CONSTRUCTED THROUGH LEASE-PURCHASE AGREEMENT.

H.B. 1336, AN ACT TO PROHIBIT THE USE OF METHYL TERTIARY BUTYL ETHER (MTBE) IN MOTOR FUELS, TO DIRECT THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND THE COMMISSIONER OF AGRICULTURE TO STUDY THE FEASIBILITY AND ADVANTAGES OF A COORDINATED APPROACH TO THE PHASEOUT OF MTBE IN THE SOUTHEAST REGION OF THE UNITED STATES, AND TO DIRECT THE SECRETARY AND THE COMMISSIONER TO WORK COOPERATIVELY WITH SOUTHEASTERN STATES TO DEVELOP AND IMPLEMENT A REGIONAL APPROACH.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 466, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF BURLINGTON AND TO ANNEX IT TO THE TOWN OF GIBSONVILLE, ALL AS REQUESTED BY THE TWO MUNICIPALITIES.

June 16, 2005

H.B. 470, AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY.

H.B. 1054, AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS THAT ARE A PARTY TO THE SWIFT CREEK MANAGEMENT PLAN AND CERTAIN CITIZENS OF THOSE LOCAL GOVERNMENTS HAVE STANDING TO ENFORCE THE PROVISIONS OF S.L. 1998-192.

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. 844, AN ACT TO AMEND THE LAW REGARDING MANAGED HUNTS. (Became law upon approval of the Governor, June 14, 2005 - S.L. 2005-82.)

H.B. 916, AN ACT TO EXTEND THE SUNSET FROM THE LAW EXEMPTING FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS. (Became law upon approval of the Governor, June 14, 2005 - S.L. 2005-83.)

S.B. 206, AN ACT TO CLARIFY THE CORPORATE LIMITS OF THE TOWN OF SALEMBURG AND TO VALIDATE ELECTIONS AND ACTS OF THE TOWN. (Became law upon ratification, June 15, 2005 - S.L. 2005-84.)

S.B. 249, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE. (Became law upon ratification, June 15, 2005 - S.L. 2005-85.)

S.B. 442, AN ACT AUTHORIZING THE TOWN OF BLOWING ROCK TO ESTABLISH AN OFF-STREET PARKING FUND. (Became law upon ratification, June 15, 2005 - S.L. 2005-86.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Monday, June 20, for concurrence in House Amendment No. 1.

S.B. 734 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 4 OF CHAPTER 45 OF THE GENERAL

June 16, 2005

STATUTES RELATING TO THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on Calendar for Tuesday, June 21, for concurrence.

S.B. 622 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Monday, June 20, for concurrence.

June 16, 2005

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 740, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED POSITIVE DRUG AND ALCOHOL TEST RESULT, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR OTHER PUBLIC TRANSIT VEHICLES UNTIL SUCCESSFUL COMPLETION OF TREATMENT, with a favorable report.

H.B. 822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON, with a favorable report.

H.B. 1209 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEX OFFENDER REGISTRATION PROGRAM TO INCLUDE SEXUAL BATTERY AS A REPORTABLE OFFENSE, AND ADD SEXUAL BATTERY TO THE OFFENSES REQUIRING A DNA SAMPLE, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 97 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO MURDERS THE OTHER PARENT OF THE CHILD, with a favorable report.

Upon motion of Senator Dannelly, seconded by Senator Bingham, the Senate adjourns subject to receipt of committee reports and messages from the House of Representatives, to meet Monday, June 20, at 7:00 P.M.

EIGHTY-THIRD DAY

Senate Chamber
Monday, June 20, 2005

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.

June 20, 2005

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, last week, millions of people from all over the world caught a glimpse of our State through camera lenses trained on the small town of Pinehurst. The visible images of the beauty of the sandhills was unmistakable, but what people heard was also a testimony to what we believe to be important here. Throughout the week drifting through the long leaf pines was the gentle sound of a chapel's church bells playing hymns to the glory of God. Many of us caught ourselves singing along. That chapel's bells bore testimony to our values and our gratitude to you, O God, for creating such a place of beauty. It is a blessing to live in this State. Here in the Senate, help us each day to make it even a better place for all of our citizens. Amen."

The Chair grants leaves of absence for tonight to Senator Dannelly, Senator Graham, Senator Hartsell and Senator Hoyle.

Senator Rand announces that the Journal of Thursday, 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 Pro Tempore of the Senate extends privileges of the floor to Dr. Steven Landau from Kenly, North Carolina, who is serving the Senate as Doctor of the Day, and to Diana Perry from Rolesville, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 466, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE AND ANNEX IT TO THE CITY OF BURLINGTON, AND TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF BURLINGTON AND TO ANNEX IT TO THE TOWN OF GIBSONVILLE, ALL AS REQUESTED BY THE TWO MUNICIPALITIES. (Became law upon ratification, June 16, 2005 - S.L. 2005-87.)

H.B. 470, AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE OCCUPANCY TAX RATE IN THAT COUNTY. (Became law upon ratification, June 16, 2005 - S.L. 2005-88.)

H.B. 1054, AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS THAT ARE A PARTY TO THE SWIFT CREEK MANAGEMENT PLAN AND CERTAIN CITIZENS OF THOSE LOCAL GOVERNMENTS HAVE STANDING TO ENFORCE THE PROVISIONS OF S.L. 1998-192. (Became law upon ratification, June 16, 2005 - S.L. 2005-89.)

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE OUTER LOOP AROUND CHARLOTTE TO BE COMPLETED BEFORE ANY EXPANSION LANES MAY BE CONSTRUCTED.

Referred to the **Judiciary I Committee**.

H.B. 723 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN CRIMINAL RECORD CHECKS, TO ALLOW CERTAIN FEES TO BE CHARGED FOR THE CRIMINAL RECORD CHECK, AND TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE FALSE INFORMATION THAT IS THE BASIS OF A CRIMINAL RECORD CHECK.

Referred to the **Judiciary II Committee** and upon a favorable report re-referred to **Finance Committee**.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE, for concurrence in House Amendment No. 1.

The Chair rules that House Amendment No. 1 does not require a call of the role upon concurrence.

Upon motion of Senator Soles, the Senate concurs in House Amendment No. 1 (43-0) and the measure is ordered enrolled.

H.B. 1102 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, June 21.

H.B. 97 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO MURDERS THE OTHER PARENT OF THE CHILD.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor.

June 20, 2005

H.B. 532 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED.

The Senate Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 740, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED POSITIVE DRUG AND ALCOHOL TEST RESULT, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR OTHER PUBLIC TRANSIT VEHICLES UNTIL SUCCESSFUL COMPLETION OF TREATMENT.

Upon motion of Senator Clodfelter, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, June 21.

H.B. 822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1209 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEX OFFENDER REGISTRATION PROGRAM TO INCLUDE SEXUAL BATTERY AS A REPORTABLE OFFENSE, AND ADD SEXUAL BATTERY TO THE OFFENSES REQUIRING A DNA SAMPLE.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 622 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY

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SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE, for concurrence in House Committee Substitute bill No. 2, upon second reading.

Upon motion of Senator Garrou the Senate fails to concur in the House Committee Substitute bill No. 2 (0-43) on its second reading, by roll-call vote, ayes 0, noes 43, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dorsett, Forrester, Garrou, Garwood, Goodall, Hagan, Holloman, Horton, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—43.

Senator Garrou offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 622 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION

June 20, 2005

BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 622 earlier today and the motion by Senator Garrou to appoint conferees having prevailed, Senator Rand, announces the appointment of Senator Dalton, Senator Garrou and Senator Hagan, Co-Chairs; Senator Albertson; Senator Atwater; Senator Berger of Franklin; Senator Boseman; Senator Clodfelter; Senator Cowell; Senator Dannelly; Senator Dorsett; Senator Graham; Senator Holloman; Senator Hoyle; Senator Jenkins; Senator Kerr; Senator Kinnaird; Senator Lucas; Senator Malone; Senator Nesbitt; Senator Purcell; Senator Rand; Senator Shaw; Senator Snow; Senator Soles; 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 and requesting conferees.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

June 20, 2005

H.B. 702 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70520, is adopted and engrossed.

H.B. 1503 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES ARE TREATED AS CITIES FOR PURPOSES OF CIVIL LIABILITY, 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 80430, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

H.B. 580 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, 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 60500, which changes the title upon concurrence to read **H.B. 580** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT AND THE TOWN OF TROUTMAN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is adopted and engrossed.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Thomas Wilkens Allison, Statesville; Johnsie E. Bauguess, Gibsonville; Jaclyn A. Beaver, Dallas; Christopher Bell, Shawboro; Caitlin Elise Black, Bessemer City; H. Hunter Boyd III, Belhaven; Brently Boyte, Eden; Herbert Scott Bryan, Fayetteville; Travis Owen Cooke, Greensboro; Chase Anderson Daughtridge, Rocky Mount; Caroline Collier Donaldson, Raleigh; Brent Droege, Durham; Hallie Garrison, Fayetteville, Meredith Lynn Greeson, Eden; Emery Harris, Greensboro; David Ross Howard, Jr., Greensboro; Alexandra Huffman, Burlington; Vernon E. King III, Asheboro; Ashley Nicole Maltbia, Detroit, MI; Emily Tyree Mann, Burlington; Aaron Mintz, Wendell; Hannah Kathryn Mitchell, New Bern; Jack Plexico, Raleigh; Edwin Eborn Rawl, Greenville; Julia Rawl, Greenville; Lacey Robinson, Bessemer City; and Heather Willetts, Wilmington.

Upon motion of Senator Rand, seconded by Senator Berger of Rockingham, the Senate adjourns at 7:58 P.M. to meet tomorrow, June 21, at 2:00 P.M.

EIGHTY-FOURTH DAY

Senate Chamber
Tuesday, June 21, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Bob Inskeep, Associate Pastor, First Presbyterian Church, Raleigh, North Carolina as follows:

"Gracious God, your Word directs us toward others always. In fact, we become most susceptible to the powers of evil and the temptations to sin when we focus on ourselves. Grant these Senators vision to serve those who are depending on them for justice and compassion, as they do their work this day to the best of their abilities and to the highest ethical standards. Amen."

The Chair grants a leave of absence for today to Senator Bingham, Senator Dannelly and Senator Nesbitt.

Senator Rand announces that the Journal of yesterday, June 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore of the Senate extends privileges of the floor to Dr. O'Neill F. D'Cruz from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 510 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 23.

H.B. 666 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 28.

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H.B. 740, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED POSITIVE DRUG AND ALCOHOL TEST RESULT, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR OTHER PUBLIC TRANSIT VEHICLES UNTIL SUCCESSFUL COMPLETION OF TREATMENT.

Upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 28.

H.B. 922 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FILLING OF VACANCIES IN THE OFFICES OF REGISTER OF DEEDS, SHERIFF, AND COUNTY COMMISSIONER IN BEAUFORT COUNTY SHALL BE IN ACCORDANCE WITH GENERAL LAW.

Upon motion of Senator Holloman, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **State & Local Government Committee**.

H.B. 514, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY MOTION FILED IN A CIVIL ACTION WHEN THE ACTION IS PENDING IN A SUPERIOR COURT OF A COUNTY THAT IS IN A SUPERIOR COURT DISTRICT CONSISTING OF MORE THAN ONE COUNTY MAY BE HEARD IN ANY SUPERIOR COURT IN THAT SUPERIOR COURT DISTRICT.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 23.

WITHDRAWAL FROM COMMITTEE

S.B. 358, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 27, A BILL TO BE ENTITLED AN ACT REQUIRING THE EMPLOYMENT SECURITY COMMISSION TO CONSIDER THE ORDINARY BUSINESS ACTIVITIES OF EMPLOYERS WHEN SCHEDULING HEARINGS, with a favorable report.

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H.B. 678 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN BIDS ON CERTAIN SERVICE CONTRACTS WITHOUT OBTAINING APPROVAL FROM THE STATE PURCHASING OFFICER, with a favorable report.

H.B. 1097 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO AWARD CONTRACTS FOR THE MANAGEMENT OF SLUDGE ON THE BASIS OF FACTORS OTHER THAN COST ALONE AND TO ENTER INTO CONTRACTS THAT PROVIDE FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF SLUDGE MANAGEMENT FACILITIES BY A SINGLE ENTITY, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 395 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DIVISION OF FOREST RESOURCES AS AN EMERGENCY RESPONSE AGENCY, with a favorable report.

H.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE FINDINGS, THE PURPOSE, AND THE APPROVED PRACTICES OF THE CURRENT FOREST DEVELOPMENT ACT, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 345 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL SERVICES WITHIN THE DEPARTMENT'S JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES, with a favorable report.

H.B. 821, A BILL TO BE ENTITLED AN ACT RELATING TO THE ADMISSIBILITY OF THE RESULTS OF SPEED-MEASURING INSTRUMENTS, with a favorable report.

H.B. 451 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, AND TO MAKE OTHER CONFORMING CHANGES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80428, which changes the title to read **H.B. 451** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR

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OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, TO EXPAND THE PERSONS WHO ARE SUBJECT TO CRIMINAL RECORD CHECKS BY DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND TO MAKE OTHER CONFORMING CHANGES, is adopted and engrossed.

H.B. 1319 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION 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 80429, is adopted and engrossed.

H.B. 1430 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING AREA, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70521, is adopted and engrossed.

Upon the appearance of Senator Bingham in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR *(continued)*

H.B. 580 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT AND THE TOWN OF TROUTMAN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas and Weinstein—39.

Voting in the negative: Senators Brock, East, Forrester, Horton, Pittenger, Presnell, Tillman and Webster—8.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, June 22, upon third reading.

H.B. 9, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, June 22, upon third reading.

H.B. 581, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, June 22, upon third reading.

H.B. 743, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EAST SPENCER, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, June 22, upon third reading.

H.B. 828, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle,

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Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, June 22, upon third reading.

H.B. 1055 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

H.B. 217 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES.

The Senate Committee Substitute bill passes its second reading (47-0).

Upon motion of Senator Smith, the Senate Committee Substitute bill is withdrawn from today's Calendar and placed on the Calendar for tomorrow, June 22.

H.B. 702 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE.

The Senate Committee Substitute bill passes its second (45-1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 874 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TITLE OF THE SAFETY AND HEALTH REVIEW BOARD UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA TO THE NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, TO CHANGE THE TITLE OF THE OFFICE OF OCCUPATIONAL SAFETY AND HEALTH TO THE OCCUPATIONAL SAFETY AND HEALTH DIVISION, AND TO RESTORE THE AUTHORITY OF THE BOARD TO ASSESS PENALTIES IN THE CASE OF AN APPEAL.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1102 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M.

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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, for concurrence in the Senate Committee Substitute bill.

H.B. 1262, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA SOCIAL WORK CERTIFICATION AND LICENSURE BOARD TO EMPLOY PERSONNEL NECESSARY TO CARRY OUT THE PROVISIONS OF THE SOCIAL WORK CERTIFICATION AND LICENSURE ACT.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1503 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES ARE TREATED AS CITIES FOR PURPOSES OF CIVIL LIABILITY.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 1144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ATTRACT AND RETAIN FILM INDUSTRY JOBS IN THIS STATE BY PROVIDING FOR A TAX INCENTIVE FOR PRODUCTION COMPANIES IN THE STATE.

Senator Boseman offers Amendment No. 2 which is adopted (27-20).

The Committee Substitute bill, as amended, passes its third reading (26-21) and is ordered engrossed and sent to the House of Representatives by special message.

H.B. 253 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ADOPT TRANSPORTATION CORRIDOR OFFICIAL MAPS, TO INCREASE THE NUMBER OF PROJECTS THE AUTHORITY MAY UNDERTAKE FROM THREE TO NINE, TO AUTHORIZE USE OF INCENTIVES IN TURNPIKE CONTRACTS, TO REQUIRE THE AUTHORITY TO CONTRACT WITH A SINGLE FIRM TO DESIGN, ACQUIRE PERMITS FOR, AND CONSTRUCT A DESCRIBED BRIDGE, TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, TO REQUIRE AN EIGHTEEN-HOUR HURRICANE EVACUATION STANDARD TO BE USED FOR BRIDGE OR HIGHWAY CONSTRUCTION, AND TO EXPEDITE CONSTRUCTION OF A REPLACEMENT FOR THE HERBERT C. BONNER BRIDGE.

Senator Hoyle offers Amendment No. 1 which is adopted (46-0).

Senator Hoyle offers Amendment No. 2 which is adopted (46-0).

The Senate Committee Substitute bill No. 2, as amended, passes its third reading (36-10) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2.

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S.B. 472 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS, TO REQUIRE PERSONS CONVICTED OF THIS OFFENSE TO REGISTER AS SEX OFFENDERS, AND TO AUTHORIZE THE STATE BUREAU OF INVESTIGATION TO INVESTIGATE CERTAIN CRIMES COMMITTED BY USE OF A COMPUTER, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Thomas, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 734 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 4 OF CHAPTER 45 OF THE GENERAL STATUTES RELATING TO THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Boseman, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 97, AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO MURDERS THE OTHER PARENT OF THE CHILD.

H.B. 822, AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON.

H.B. 1209, AN ACT TO AMEND THE SEX OFFENDER REGISTRATION PROGRAM TO INCLUDE SEXUAL BATTERY AS A REPORTABLE OFFENSE, AND ADD SEXUAL BATTERY TO THE OFFENSES REQUIRING A DNA SAMPLE.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 14, AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE.

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ADDITIONAL SPONSOR

Senator Jacumin requests to be added as a sponsor of previously introduced legislation:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Upon motion of Senator Rand, seconded by Senator Berger of Rockingham, the Senate adjourns at 3:08 P.M. to meet tomorrow, June 22, at 3:00 P.M.

EIGHTY-FIFTH DAY

Senate Chamber
Wednesday, June 22, 2005

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 admit it...all of us come into this world wanting to be number one. We like to be first in line or front of the class. Being last doesn't come naturally. Sometimes we'll do almost anything to be number one. Teach us to walk a different path, thinking of others before ourselves, reaching beyond our close circle of friends to the unloved and forgotten. There we shall find you and come to a better understanding of your words, 'The first shall be last and the last first'. Amen."

The Chair grants a leave of absence for today to Senator Basnight.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, 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.

The President of the Senate extends privileges of the floor to Dr. Charles Boyette from Belhaven, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Lou Ware from Kings Mountain, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

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S.B. 396, AN ACT ALLOWING COUNTIES TO MAKE CHANGES IN SERVICE DISTRICTS CREATED PURSUANT TO ARTICLE 16 OF CHAPTER 153A OF THE GENERAL STATUTES.

S.B. 465, AN ACT TO CLARIFY THE SERVICE AND FILING REQUIREMENTS OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

S.B. 472, AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS, TO REQUIRE PERSONS CONVICTED OF THIS OFFENSE TO REGISTER AS SEX OFFENDERS, AND TO AUTHORIZE THE STATE BUREAU OF INVESTIGATION TO INVESTIGATE CERTAIN CRIMES COMMITTED BY USE OF A COMPUTER.

S.B. 734, AN ACT TO AMEND ARTICLE 4 OF CHAPTER 45 OF THE GENERAL STATUTES RELATING TO THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.

H.B. 672, AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF A DEMUTUALIZED INSURANCE COMPANY.

H.B. 874, AN ACT TO CHANGE THE TITLE OF THE SAFETY AND HEALTH REVIEW BOARD UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA TO THE NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, TO CHANGE THE TITLE OF THE OFFICE OF OCCUPATIONAL SAFETY AND HEALTH TO THE OCCUPATIONAL SAFETY AND HEALTH DIVISION, AND TO RESTORE THE AUTHORITY OF THE BOARD TO ASSESS PENALTIES IN THE CASE OF AN APPEAL.

H.B. 1262, AN ACT AUTHORIZING THE NORTH CAROLINA SOCIAL WORK CERTIFICATION AND LICENSURE BOARD TO EMPLOY PERSONNEL NECESSARY TO CARRY OUT THE PROVISIONS OF THE SOCIAL WORK CERTIFICATION AND LICENSURE ACT.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 450, AN ACT TO ENABLE THE RUTHERFORD AIRPORT AUTHORITY TO LEASE PROPERTY FOR FIFTY YEARS.

S.B. 883, AN ACT TO AMEND THE NOTIFICATION REQUIREMENT FOR MECKLENBURG COUNTY REGARDING THE DISPOSITION OF A SEIZED FIREARM AND TO PROVIDE THAT IN MECKLENBURG COUNTY

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EITHER THE SHERIFF OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY WITH JURISDICTION TO ENFORCE THE LAW WHERE THE FIREARM WAS SEIZED MAY DESTROY THE FIREARM IN ACCORDANCE WITH A COURT ORDER.

H.B. 1055, AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 14, AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL DREDGING FEE. (Became law upon ratification, June 21, 2005 - S.L. 2005-90.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 15 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER AND TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER AUTHORITIES, 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.

S.B. 321 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS SEVENTY-TWO AND OLDER REQUESTING TO BE EXCUSED FROM JURY DUTY TO REQUEST AN EXEMPTION FROM JURY SERVICE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, June 23, for concurrence.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 407 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO

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THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, June 23, for concurrence.

S.B. 685 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, ESTABLISHING THE REQUIREMENTS FOR DE MINIMIS REGISTRATION, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JULY 1, 2005, PROVIDING FOR CONDITIONAL AUTHORITY FOR A PROFESSIONAL EMPLOYER ORGANIZATION TO OPERATE PENDING CONSIDERATION OF ITS LICENSE APPLICATION UPON A SHOWING OF FINANCIAL STABILITY AND NEED, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the Rules are suspended and the House Committee Substitute No. 2 is placed on today's Calendar, for concurrence.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 821 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, June 23, for concurrence.

S.B. 689 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CLERK OF SUPERIOR COURT IS RESPONSIBLE FOR PROVIDING COPIES OF THE TRIAL FILE TO APPOINTED APPELLATE COUNSEL IN INDIGENT CASES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, June 23, for concurrence.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 1013, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO CIVIL PENALTIES UNDER THE LAWS REGULATING GENERAL CONTRACTORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75336, which changes the title to read **S.B. 1013** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO COST RECOVERY UNDER THE LAWS REGULATING GENERAL CONTRACTORS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROVISIONS IN MOTOR CARRIER FREIGHT TRANSPORTATION CONTRACTS THAT HOLD HARMLESS THE SHIPPER FOR THE SHIPPER'S NEGLIGENCE OR INTENTIONAL ACTS ARE VOID, 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 50467, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 1168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DECEPTIVE USE OF THE NAME OR LOGO OF A BANKING ENTITY WITHOUT PERMISSION IN THE MARKETING OF FINANCIAL PRODUCTS AND SERVICES, 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 60502, is adopted and engrossed.

H.B. 1392 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A CLASS 1 MISDEMEANOR OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS, 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 60503, which changes the title upon concurrence to read **H.B. 1392** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A CLASS H

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FELONY OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS, is adopted and engrossed.

By Senator Bingham for the **Health Care Committee**:

H.B. 1482 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL DEPARTMENTS OF SOCIAL SERVICES AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED, with a favorable report.

H.B. 1507, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS UNDER THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSURE ACT, TO EXPAND THE GROUP OF PERSONS WHO MAY OBTAIN A PROVISIONAL LICENSE UNDER THE ACT, AND TO AUTHORIZE THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD TO ASSESS CIVIL PENALTIES, with a favorable report.

Upon motion of Senator Bingham, the bill is re-referred to the **Finance Committee**.

By Senator Garwood for the **Education/Higher Education Committee**:

H.B. 371, A BILL TO BE ENTITLED AN ACT DESIGNATING THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE AS NORTH CAROLINA'S HISTORICALLY AMERICAN INDIAN UNIVERSITY, with a favorable report.

H.B. 403, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PURCHASE OF THE PRELIMINARY SCHOLASTIC APTITUDE TEST (PSAT) FOR THE PUBLIC SCHOOLS, with a favorable report.

H.B. 404, A BILL TO BE ENTITLED AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT, with a favorable report.

H.B. 677, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TREASURER TO DESIGNATE A PERSON TO REPRESENT THE TREASURER ON THE STATE BOARD OF COMMUNITY COLLEGES, with a favorable report.

H.B. 1552, A BILL TO BE ENTITLED AN ACT TO EXTEND THE REGULATORY AUTHORITY OVER CAMPUS PARKING TO THE BOARD OF TRUSTEES OF NORTH CAROLINA A&T STATE UNIVERSITY, 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 80431, is adopted and engrossed.

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WITHDRAWAL FROM COMMITTEE

H.B. 22 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT EXPANSION OF A MEDICAL FACILITY ONTO AN ADJACENT LOT SHALL BE A PERMITTED USE UNDER THE ZONING ORDINANCE, referred to the **State & Local Government Committee** on March 16.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **State & Local Government Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **State & Local Government Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 9, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 581, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The bill is ordered enrolled.

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H.B. 743, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EAST SPENCER, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 828, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 580 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT AND THE TOWN OF TROUTMAN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 40, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas and Weinstein—40.

Voting in the negative: Senators Brock, East, Forrester, Garrou, Pittenger, Presnell, Tillman and Webster—8.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 345 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL SERVICES

WITHIN THE DEPARTMENT'S JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 27, A BILL TO BE ENTITLED AN ACT REQUIRING THE EMPLOYMENT SECURITY COMMISSION TO CONSIDER THE ORDINARY BUSINESS ACTIVITIES OF EMPLOYERS WHEN SCHEDULING HEARINGS.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 395 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DIVISION OF FOREST RESOURCES AS AN EMERGENCY RESPONSE AGENCY.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 451 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, TO EXPAND THE PERSONS WHO ARE SUBJECT TO CRIMINAL RECORD CHECKS BY DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND TO MAKE OTHER CONFORMING CHANGES.

Senator Garrou offers Amendment No. 1, which she subsequently withdraws.

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. 678 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN BIDS ON CERTAIN SERVICE CONTRACTS WITHOUT OBTAINING APPROVAL FROM THE STATE PURCHASING OFFICER.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE FINDINGS, THE PURPOSE, AND THE APPROVED PRACTICES OF THE CURRENT FOREST DEVELOPMENT ACT.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 821, A BILL TO BE ENTITLED AN ACT RELATING TO THE ADMISSIBILITY OF THE RESULTS OF SPEED-MEASURING INSTRUMENTS.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

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H.B. 1097 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO AWARD CONTRACTS FOR THE MANAGEMENT OF SLUDGE ON THE BASIS OF FACTORS OTHER THAN COST ALONE AND TO ENTER INTO CONTRACTS THAT PROVIDE FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF SLUDGE MANAGEMENT FACILITIES BY A SINGLE ENTITY.

The Committee Substitute bill passes its second reading (48-0).

Upon motion of Senator Nesbitt, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, June 23, upon third reading.

H.B. 1319 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION ACT.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, June 23.

H.B. 1430 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING AREA.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 217 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES.

Senator Hagan offers Amendment No. 1 which is adopted (47-1).

The Senate Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 685 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, ESTABLISHING THE REQUIREMENTS FOR DE MINIMIS REGISTRATION, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS

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APPLYING FOR LICENSURE ON OR BEFORE JULY 1, 2005, PROVIDING FOR CONDITIONAL AUTHORITY FOR A PROFESSIONAL EMPLOYER ORGANIZATION TO OPERATE PENDING CONSIDERATION OF ITS LICENSE APPLICATION UPON A SHOWING OF FINANCIAL STABILITY AND NEED, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Bingham, the Senate concurs in the House Committee Substitute bill No. 2 (48-0) and the measure is ordered enrolled and sent to the Governor by special message.

S.B. 15 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER AND TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER AUTHORITIES, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 21, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 622** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX

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RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE, and requests conferees, Speaker Black appoints:

Representative Crawford – Co-chair
Representative Earle – Co-chair
Representative Nye – Co-chair
Representative Owens – Co-chair
Representative Alexander
Representative Gibson
Representative Luebke
Representative Wainwright
Representative Culpepper
Representative Cunningham
Representative Hackney
Representative Michaux

Subcommittee on Capital
Representative Wright
Representative Miller
Representative Williams

Subcommittee on Education
Representative Jeffus
Representative Tolson

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Representative Yongue
Representative Bell
Representative Glazier
Representative Lucas
Representative Womble

Subcommittee on General Government

Representative Adams
Representative Carney
Representative Dickson
Representative Fisher
Representative Goforth
Representative Parmon

Subcommittee on Health and Human Services

Representative Inkso
Representative B. Allen
Representative Bordsen
Representative England
Representative Farmer-Butterfield
Representative McLawhorn
Representative Weiss

Subcommittee on Justice and Public Safety

Representative Haire
Representative Holliman
Representative Rapp
Representative Ross
Representative Sutton

Subcommittee on Natural and Economic Resources

Representative Hunter
Representative Warren
Representative Church
Representative Harrell
Representative Hill
Representative Tucker
Representative Underhill

Subcommittee on Transportation

Representative Coates
Representative Cole
Representative L. Allen
Representative Coleman
Representative Earl Jones
Representative McAllister
Representative Saunders

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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 G. Weeks
Principal Clerk

ADDITIONAL SPONSORS

Senator Allran, Senator East, Senator Forrester and Senator Pittenger request to be added as a sponsor of previously introduced legislation:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Upon motion of Senator Dannelly, seconded by Senator Rand, the Senate adjourns subject to reading of Executive Orders and messages from the House of Representatives, to meet tomorrow, June 23, at 11:00 A.M.

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 75: Reestablishing and modifying programs established under the Hurricane Floyd Recovery Act of 1999 (S.L. 1999-463 Extra Session) and amending Executive Order #8.

Executive Order Number 76: Extending Executive Order No. 1.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:17 P.M.

EIGHTY-SIXTH DAY

Senate Chamber
Thursday, June 23, 2005

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.

June 23, 2005

Prayer is offered by The Reverend Lin Carter, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

"Eternal God, creator and sustainer of all, you are the one who binds us together, who calls us to accountability, who gives us hope. We thank you for the gifts of life and health, and ask that you inspire us to use these gifts for your glory and for the good of others. We pray for the people of this State. Give us compassion, understanding and wisdom. We thank you for the opportunity to serve. Lord, make us worthy of that high calling. Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, 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 Pro Tempore of the Senate extends privileges of the floor to Dr. G. Hadley Callaway from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Claudia Vepraskas from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 15, AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER AND TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER AUTHORITIES.

S.B. 178, AN ACT AMENDING CERTAIN LAWS RELATING TO LICENSURE REQUIREMENTS FOR PLUMBING AND HEATING CONTRACTORS.

S.B. 537, AN ACT TO ALLOW THE PAYMENT OF TAXES IN LIMITED CIRCUMSTANCES BY OFFSET OF AN OBLIGATION OWED TO THE TAXPAYER BY THE TAXING UNIT.

S.B. 685, AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, ESTABLISHING THE REQUIREMENTS FOR DE MINIMIS REGISTRATION, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN

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THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JULY 1, 2005, PROVIDING FOR CONDITIONAL AUTHORITY FOR A PROFESSIONAL EMPLOYER ORGANIZATION TO OPERATE PENDING CONSIDERATION OF ITS LICENSE APPLICATION UPON A SHOWING OF FINANCIAL STABILITY AND NEED, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS.

H.B. 27, AN ACT REQUIRING THE EMPLOYMENT SECURITY COMMISSION TO CONSIDER THE ORDINARY BUSINESS ACTIVITIES OF EMPLOYERS WHEN SCHEDULING HEARINGS.

H.B. 395, AN ACT TO DESIGNATE THE DIVISION OF FOREST RESOURCES AS AN EMERGENCY RESPONSE AGENCY.

H.B. 678, AN ACT ALLOWING THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN BIDS ON CERTAIN SERVICE CONTRACTS WITHOUT OBTAINING APPROVAL FROM THE STATE PURCHASING OFFICER.

H.B. 698, AN ACT TO EXPAND THE FINDINGS, THE PURPOSE, AND THE APPROVED PRACTICES OF THE CURRENT FOREST DEVELOPMENT ACT.

H.B. 821, AN ACT RELATING TO THE ADMISSIBILITY OF THE RESULTS OF SPEED-MEASURING INSTRUMENTS.

H.B. 1199, AN ACT TO PROVIDE THAT A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST MAY FILE AN AFFIDAVIT FOR INVOLUNTARY COMMITMENT WITH THE CLERK OR MAGISTRATE EITHER BY HAND DELIVERY OF THE ORIGINAL AFFIDAVIT OR BY FACSIMILE TRANSMISSION OF A PAPER COPY OF THE AFFIDAVIT.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 9, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE.

H.B. 131, AN ACT TO AUTHORIZE SEVERAL ADDITIONAL COUNTIES TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

H.B. 345, AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL

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SERVICES WITHIN THE DEPARTMENT'S JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES.

H.B. 581, AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS.

H.B. 743, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EAST SPENCER.

H.B. 828, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE.

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 451, AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, TO EXPAND THE PERSONS WHO ARE SUBJECT TO CRIMINAL RECORD CHECKS BY DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND TO MAKE OTHER CONFORMING CHANGES.

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. 710, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-91.)

H.B. 676, AN ACT PROVIDING THAT THE OFFICE OF STATE BUDGET AND MANAGEMENT MUST APPROVE CERTAIN FEES RELATING TO GOVERNMENT E-COMMERCE IN CONSULTATION WITH THE STATE CHIEF INFORMATION OFFICER AND THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-92.)

H.B. 1336, AN ACT TO PROHIBIT THE USE OF METHYL TERTIARY BUTYL ETHER (MTBE) IN MOTOR FUELS, TO DIRECT THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND

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THE COMMISSIONER OF AGRICULTURE TO STUDY THE FEASIBILITY AND ADVANTAGES OF A COORDINATED APPROACH TO THE PHASEOUT OF MTBE IN THE SOUTHEAST REGION OF THE UNITED STATES, AND TO DIRECT THE SECRETARY AND THE COMMISSIONER TO WORK COOPERATIVELY WITH SOUTHEASTERN STATES TO DEVELOP AND IMPLEMENT A REGIONAL APPROACH. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-93.)

H.B. 862, AN ACT TO MAKE THE LAW PROHIBITING THE REMOVAL OF ELECTRONIC COLLARS FROM DOGS APPLY STATEWIDE. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-94.)

S.B. 494, AN ACT TO ENCOURAGE DEPLOYMENT OF COMPETITIVE BROADBAND SERVICE BY PUBLIC UTILITIES. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-95.)

H.B. 664, AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO FALSIFY, OR DIRECT ANOTHER TO FALSIFY, A HIGHWAY CONSTRUCTION INSPECTION REPORT OR TEST REPORT REQUIRED BY THE DEPARTMENT OF TRANSPORTATION. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-96.)

H.B. 1189, AN ACT TO PROTECT FONTANA LAKE AND THE WATERS DRAINING TO THE NORTH SHORE OF FONTANA LAKE. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-97.)

H.B. 1226, AN ACT TO CLARIFY THE LAW REGARDING INSPECTION, REVIEW, AND EXAMINATION OF PRISON FACILITIES CONSTRUCTED THROUGH LEASE-PURCHASE AGREEMENT. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-98.)

H.B. 786, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE DEALERS LICENSING ACT. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-99.)

H.B. 878, AN ACT TO ESTABLISH THE CONFERENCE OF CLERKS OF SUPERIOR COURT. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-100.)

S.B. 507, AN ACT TO PROVIDE THAT AN OFFENSE COMMITTED AGAINST OR THAT PROXIMATELY CAUSES SERIOUS INJURY TO A SOCIAL WORKER IS AN AGGRAVATING FACTOR. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-101.)

H.B. 658, AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-102.)

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S.B. 988, AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY TO GASTON COLLEGE. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-103.)

H.B. 1320, AN ACT TO REQUIRE DISCLOSURES OF CERTAIN MONETARY TRANSMISSIONS. (Became law upon approval of the Governor, June 21, 2005 - S.L. 2005-104.)

S.B. 450, AN ACT TO ENABLE THE RUTHERFORD AIRPORT AUTHORITY TO LEASE PROPERTY FOR FIFTY YEARS. (Became law upon ratification, June 22, 2005 - S.L. 2005-105.)

S.B. 883, AN ACT TO AMEND THE NOTIFICATION REQUIREMENT FOR MECKLENBURG COUNTY REGARDING THE DISPOSITION OF A SEIZED FIREARM AND TO PROVIDE THAT IN MECKLENBURG COUNTY EITHER THE SHERIFF OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY WITH JURISDICTION TO ENFORCE THE LAW WHERE THE FIREARM WAS SEIZED MAY DESTROY THE FIREARM IN ACCORDANCE WITH A COURT ORDER. (Became law upon ratification, June 22, 2005 - S.L. 2005-106.)

H.B. 1055, AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY. (Became law upon ratification, June 22, 2005 - S.L. 2005-107.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 355 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE USE OF RED AND BLUE LIGHTS ON VEHICLES, with a favorable report.

By Senator Kinnaird for the **Mental Health & Youth Services Committee**:

H.B. 1346 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE INTERSTATE COMPACT FOR JUVENILES, 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 10370, is adopted and engrossed.

Upon motion of Senator Kinnaird, the proposed Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 28.

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CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 510 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 28.

H.B. 1163 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROVISIONS IN MOTOR CARRIER FREIGHT TRANSPORTATION CONTRACTS THAT HOLD HARMLESS THE SHIPPER FOR THE SHIPPER'S NEGLIGENCE OR INTENTIONAL ACTS ARE VOID.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 28.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 1630 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE WITHOUT CONFORMING TO THE DEDUCTION FOR DOMESTIC PRODUCTION ACTIVITIES, STATE AND LOCAL SALES AND USE TAXES, AND CERTAIN INTERNATIONAL SHIPPING ACTIVITIES; EXTENDING THE EIGHT AND ONE-QUARTER PERCENT UPPER INDIVIDUAL INCOME TAX BRACKET AS ENACTED IN 2001 FOR THE 2006 AND 2007 TAXABLE YEARS; EXTENDING THE ESTATE TAX UNTIL JANUARY 1, 2010; EXTENDING THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX UNTIL JULY 1, 2007; MAKING SALES TAX CHANGES REQUIRED BY THE STREAMLINED SALES TAX AGREEMENT; RETAINING THE USE TAX LINE ON THE INDIVIDUAL INCOME TAX RETURN UNTIL 2010; AND APPLYING THE SALES TAX TO CANDY, WARRANTY SERVICE AGREEMENTS, CABLE SERVICES, VOICE MAIL, AND SATELLITE RADIO, 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 30334, which changes the title upon concurrence to read **H.B. 1630** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; CONFORMING THE RETIREE RETURN TO TEACHING BENEFIT TO INTERNAL REVENUE SERVICE GUIDELINES AND CLARIFYING THE DEFINITION OF RETIREMENT; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE; CONFORMING THE SUNSET OF THE ESTATE TAX TO FEDERAL LAW; AND COMPLYING WITH THE STREAMLINED SALES AND USE TAX AGREEMENT AND MAKING OTHER SALES AND USE TAX CHANGES, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is referred to **Appropriations/Base Budget Committee**.

By Senator Kerr for the **Finance Committee**:

H.B. 544, A BILL TO BE ENTITLED AN ACT TO AMEND THE MADISON COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

H.B. 1005, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE, with a favorable report.

H.B. 1056, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, with a favorable report.

S.B. 796 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CRIMINAL RECORD CHECKS OF APPLICANTS FOR PERMITS AND LICENSES TO CONDUCT ARCHAEOLOGICAL OPERATIONS AND INVESTIGATIONS, 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, 85274, is adopted and engrossed.

H.B. 85 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: AIR MEDAL RECIPIENT, ALPHA PHI ALPHA FRATERNITY, ARC OF NORTH CAROLINA, AUTISM SOCIETY OF NORTH CAROLINA, BUDDY PELLETIER SURFING FOUNDATION, COASTAL CONSERVATION ASSOCIATION, COLD WAR VETERAN, CORVETTE CLUB, GUILFORD BATTLEGROUND COMPANY, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NORTH CAROLINA AQUARIUM, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES,

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OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHARE THE ROAD, AND TARHEEL CLASSIC THUNDERBIRD CLUB, 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 70522, which changes the title upon concurrence to read **H.B. 85** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: AIR MEDAL RECIPIENT, ALPHA PHI ALPHA FRATERNITY, ARC OF NORTH CAROLINA, AUTISM SOCIETY OF NORTH CAROLINA, BUDDY PELLETIER SURFING FOUNDATION, COASTAL CONSERVATION ASSOCIATION, COLD WAR VETERAN, CORVETTE CLUB, GUILFORD BATTLEGROUND COMPANY, MARINE CORPS LEAGUE, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NORTH CAROLINA AQUARIUMS, NORTH CAROLINA LIBRARIES, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, NORTH CAROLINA WILDLIFE HABITAT FOUNDATION, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHAG DANCING, SHARE THE ROAD, AND TARHEEL CLASSIC THUNDERBIRD CLUB, is adopted and engrossed.

H.B. 370 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF LANDIS AND SPENCER, 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 60505, which changes the title upon concurrence to read **H.B. 370** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS AND THE TOWNS OF LANDIS, SHALLOTTE, AND SPENCER, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 255, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL FINANCE LAWS, referred to the **Rules and Operations of the Senate Committee** on March 1.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Commerce Committee**.

CALENDAR *(continued)*

S.B. 407 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS

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COUNTY AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY, 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 45, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—45.

Voting in the negative: Senators Brock, East, Pittenger and Webster—4.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

H.B. 371, A BILL TO BE ENTITLED AN ACT DESIGNATING THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE AS NORTH CAROLINA'S HISTORICALLY AMERICAN INDIAN UNIVERSITY.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 403, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PURCHASE OF THE PRELIMINARY SCHOLASTIC APTITUDE TEST (PSAT) FOR THE PUBLIC SCHOOLS.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 404, A BILL TO BE ENTITLED AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 514, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY MOTION FILED IN A CIVIL ACTION WHEN THE ACTION IS PENDING IN A SUPERIOR COURT OF A COUNTY THAT IS IN A SUPERIOR COURT DISTRICT CONSISTING OF MORE THAN ONE COUNTY MAY BE HEARD IN ANY SUPERIOR COURT IN THAT SUPERIOR COURT DISTRICT.

Senator Hartsell offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second (49-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 677, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TREASURER TO DESIGNATE A PERSON TO REPRESENT THE TREASURER ON THE STATE BOARD OF COMMUNITY COLLEGES.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 27.

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H.B. 1168 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DECEPTIVE USE OF THE NAME OR LOGO OF A BANKING ENTITY WITHOUT PERMISSION IN THE MARKETING OF FINANCIAL PRODUCTS AND SERVICES.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1319 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION ACT.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1392 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A CLASS H FELONY OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS.

The Senate Committee Substitute bill passes its second reading (49-0).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 27.

H.B. 1482 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL DEPARTMENTS OF SOCIAL SERVICES AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1552 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE REGULATORY AUTHORITY OVER CAMPUS PARKING TO THE BOARD OF TRUSTEES OF NORTH CAROLINA A&T STATE UNIVERSITY.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 12:02 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 12:10 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Shaw.

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CALENDAR *(continued)*

H.B. 1097 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO AWARD CONTRACTS FOR THE MANAGEMENT OF SLUDGE ON THE BASIS OF FACTORS OTHER THAN COST ALONE AND TO ENTER INTO CONTRACTS THAT PROVIDE FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF SLUDGE MANAGEMENT FACILITIES BY A SINGLE ENTITY.

Senator Nesbitt offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Dalton for the **Appropriations/Base Budget Committee**:

H.B. 1630 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; CONFORMING THE RETIREE RETURN TO TEACHING BENEFIT TO INTERNAL REVENUE SERVICE GUIDELINES AND CLARIFYING THE DEFINITION OF RETIREMENT; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE; CONFORMING THE SUNSET OF THE ESTATE TAX TO FEDERAL LAW; AND COMPLYING WITH THE STREAMLINED SALES AND USE TAX AGREEMENT AND MAKING OTHER SALES AND USE TAX CHANGES, favorable as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

CALENDAR *(continued)*

S.B. 321 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS SEVENTY-TWO AND OLDER REQUESTING TO BE EXCUSED FROM JURY DUTY TO REQUEST AN EXEMPTION FROM JURY SERVICE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 689 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CLERK OF SUPERIOR COURT IS RESPONSIBLE FOR PROVIDING COPIES OF THE TRIAL FILE TO APPOINTED APPELLATE COUNSEL IN INDIGENT CASES, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM CALENDAR

H.B. 677, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TREASURER TO DESIGNATE A PERSON TO REPRESENT THE TREASURER ON THE STATE BOARD OF COMMUNITY COLLEGES.

Upon motion of Senator Rand, the bill is withdrawn from the Calendar of Monday, June 27 and is re-referred to the **Education/Higher Education Committee**.

CALENDAR *(continued)*

S.B. 821 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC, for concurrence in the House Committee Substitute.

Upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 28.

ADDITIONAL SPONSORS

Senator Hartsell and Senator Hoyle request to be added as a sponsor of previously introduced legislation:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Upon motion of Senator Dannelly, seconded by Senator Webster, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Monday, June 27, at 7:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 22, 2005

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Speaker Black had made the following changes to the Conference Committee for **S.B. 622** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR

June 23, 2005

CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE:

Representative Dickson is moved from the Subcommittee on General Government to the Subcommittee on Health and Human Services, and

Representative McLawhorn is moved from the Subcommittee on Health and Human Services to the Subcommittee on General Government.

Respectfully,
S/Denise G. Weeks
Principal Clerk

June 23, 2005

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 682 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO PUBLIC HEALTH AUTHORITIES, SANITARY DISTRICTS, AND METROPOLITAN SEWERAGE DISTRICTS THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES, for concurrence in the House Committee Substitute bill.

Referred to the **Finance Committee**.

H.B. 650 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES, TO AUTHORIZE A LARGER FEE FOR COMPLEX BUSINESS CASES, AND TO CHANGE THE DATE DISTRICT COURT JUDGES TAKE OFFICE.

Referred to the **Judiciary I Committee** and upon a favorable report re-referred **Finance Committee**.

H.B. 1635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOMEMAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS.

Referred to the **Mental Health & Youth Services Committee** and upon a favorable report re-referred to **Finance Committee**.

H.B. 1776 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NORTH CAROLINA TROUT UNLIMITED SPECIAL REGISTRATION PLATE AND TO ADOPT THE BROOK TROUT AS THE OFFICIAL FRESHWATER TROUT OF THE STATE OF NORTH CAROLINA, for concurrence in the Committee Substitute bill.

Referred to the **Rules and Operations of the Senate Committee** and upon a favorable report re-referred to **Finance Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 12:29 P.M.

EIGHTY-SEVENTH DAY

Senate Chamber
Monday, June 27, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

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Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, we learned today that the Supreme Court has taken a 'middle ground' on when and where your Ten Commandments may be displayed. Apparently an acceptable venue is a public park, but not a courthouse. In this place where important laws are being considered, though we do not see the Ten Commandments, we confess that they are written on our minds and in our hearts. Let there be no fence sitting as the session moves forward. May your laws inform and underwrite all the lawmaking that goes on here. In your holy name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Apodaca, Senator Kinnaird, Senator Nesbitt and Senator Soles.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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.

The President of the Senate extends privileges of the floor to Dr. David Cook from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day.

With unanimous consent, upon motion of Senator Rand, all bills ordered sent to the Governor and to the House of Representatives on Monday, June 27, through Thursday, June 30, will be sent by special message.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 370 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS AND THE TOWNS OF LANDIS, SHALLOTTE, AND SPENCER, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill No. 2 remains on the Calendar for tomorrow, June 28, upon third reading.

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H.B. 1005, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senator Webster—1.

The bill remains on the Calendar for tomorrow, June 28, upon third reading.

H.B. 544, A BILL TO BE ENTITLED AN ACT TO AMEND THE MADISON COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 37, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Jacumin, Jenkins, Kerr, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Thomas and Weinstein—37.

Voting in the negative: Senators Brock, East, Forrester, Garrou, Hunt, Pittenger, Presnell, Tillman and Webster—9.

The bill remains on the Calendar for tomorrow, June 28, upon third reading.

H.B. 1056, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 39, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Thomas and Weinstein—39.

Voting in the negative: Senators Brock, East, Forrester, Pittenger, Presnell, Tillman and Webster—7.

The bill remains on the Calendar for tomorrow, June 28, upon third reading.

S.B. 407 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY, for concurrence in the House Committee Substitute bill, upon third reading.

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Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 40, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Lucas, Malone, Presnell, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Thomas, Tillman and Weinstein—40.

Voting in the negative: Senators Brock, Brown, East, Jacumin, Pittenger and Webster—6.

The House Committee Substitute bill is ordered enrolled.

H.B. 1630 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; CONFORMING THE RETIREE RETURN TO TEACHING BENEFIT TO INTERNAL REVENUE SERVICE GUIDELINES AND CLARIFYING THE DEFINITION OF RETIREMENT; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE; CONFORMING THE SUNSET OF THE ESTATE TAX TO FEDERAL LAW; AND COMPLYING WITH THE STREAMLINED SALES AND USE TAX AGREEMENT AND MAKING OTHER SALES AND USE TAX CHANGES.

Senator Berger of Rockingham offers Amendment No. 1.

Senator Rand offers a motion that Amendment No.1 lie upon the table, seconded by Senator Clodfelter which motion prevails.

Amendment No. 1 is tabled (26-20).

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 26, noes 20, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Hoyle, Jenkins, Kerr, Lucas, Malone, Purcell, Rand, Shaw, Snow, Swindell, Thomas and Weinstein—26.

Voting in the negative: Senators Allran, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Horton, Hunt, Jacumin, Pittenger, Presnell, Smith, Stevens, Tillman and Webster—20.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, June 28, upon third reading.

S.B. 796 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CRIMINAL RECORD CHECKS OF APPLICANTS FOR PERMITS AND LICENSES TO CONDUCT ARCHAEOLOGICAL OPERATIONS AND INVESTIGATIONS.

The Committee Substitute bill No. 2 passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

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H.B. 85 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: AIR MEDAL RECIPIENT, ALPHA PHI ALPHA FRATERNITY, ARC OF NORTH CAROLINA, AUTISM SOCIETY OF NORTH CAROLINA, BUDDY PELLETIER SURFING FOUNDATION, COASTAL CONSERVATION ASSOCIATION, COLD WAR VETERAN, CORVETTE CLUB, GUILFORD BATTLEGROUND COMPANY, MARINE CORPS LEAGUE, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NORTH CAROLINA AQUARIUMS, NORTH CAROLINA LIBRARIES, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, NORTH CAROLINA WILDLIFE HABITAT FOUNDATION, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHAG DANCING, SHARE THE ROAD, AND TARHEEL CLASSIC THUNDERBIRD CLUB.

Senator Hoyle offers Amendment No. 1 which is adopted (46-0), and changes the title upon concurrence to read **H.B. 85** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: AIR MEDAL RECIPIENT, ALPHA PHI ALPHA FRATERNITY, ARC OF NORTH CAROLINA, AUTISM SOCIETY OF NORTH CAROLINA, BUDDY PELLETIER SURFING FOUNDATION, COASTAL CONSERVATION ASSOCIATION, COLD WAR VETERAN, CORVETTE CLUB, GUILFORD BATTLEGROUND COMPANY, MARINE CORPS LEAGUE, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NC TROUT UNLIMITED, NORTH CAROLINA AQUARIUMS, NORTH CAROLINA LIBRARIES, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, NORTH CAROLINA WILDLIFE HABITAT FOUNDATION, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHAG DANCING, SHARE THE ROAD, AND TARHEEL CLASSIC THUNDERBIRD CLUB.

Senator Albertson offers Amendment No. 2 which is adopted (45-1), and changes the title upon concurrence to read **H.B. 85** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: AIR MEDAL RECIPIENT, ALPHA PHI ALPHA FRATERNITY, ARC OF NORTH CAROLINA, AUTISM SOCIETY OF NORTH CAROLINA, BUDDY PELLETIER SURFING FOUNDATION, COASTAL CONSERVATION ASSOCIATION, COLD WAR VETERAN, CORVETTE CLUB, GUILFORD BATTLEGROUND COMPANY, MARINE CORPS LEAGUE, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NC TROUT UNLIMITED, NORTH CAROLINA AQUARIUMS, NORTH CAROLINA LIBRARIES, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, NORTH CAROLINA WILDLIFE HABITAT FOUNDATION, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHAG DANCING, SHARE THE ROAD, TARHEEL CLASSIC THUNDERBIRD CLUB, AND WATERMELON.

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The Senate Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 355 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE USE OF RED AND BLUE LIGHTS ON VEHICLES.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor by special message.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 321, AN ACT TO ALLOW PERSONS SEVENTY-TWO AND OLDER REQUESTING TO BE EXCUSED FROM JURY DUTY TO REQUEST AN EXEMPTION FROM JURY SERVICE.

S.B. 689, AN ACT TO CLARIFY THAT THE CLERK OF SUPERIOR COURT IS RESPONSIBLE FOR PROVIDING COPIES OF THE TRIAL FILE TO APPOINTED APPELLATE COUNSEL IN INDIGENT CASES.

H.B. 371, AN ACT DESIGNATING THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE AS NORTH CAROLINA'S HISTORICALLY AMERICAN INDIAN UNIVERSITY.

H.B. 403, AN ACT TO AMEND THE LAW REGARDING THE PURCHASE OF THE PRELIMINARY SCHOLASTIC APTITUDE TEST (PSAT) FOR THE PUBLIC SCHOOLS.

H.B. 404, AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT.

H.B. 1482, AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL DEPARTMENTS OF SOCIAL SERVICES AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED.

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. 9, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE. (Became law upon ratification, June 23, 2005 - S.L. 2005-108.)

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H.B. 131, AN ACT TO AUTHORIZE SEVERAL ADDITIONAL COUNTIES TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES. (Became law upon ratification, June 23, 2005 - S.L. 2005-109.)

H.B. 345, AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL SERVICES WITHIN THE DEPARTMENT'S JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES. (Became law upon ratification, June 23, 2005 - S.L. 2005-110.)

H.B. 581, AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS. (Became law upon ratification, June 23, 2005 - S.L. 2005-111.)

H.B. 743, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EAST SPENCER. (Became law upon ratification, June 23, 2005 - S.L. 2005-112.)

H.B. 828, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE. (Became law upon ratification, June 23, 2005 - S.L. 2005-113.)

CALENDAR *(continued)*

H.B. 1392 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A CLASS H FELONY OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS.

Senator Berger of Rockingham offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Caroline Lindsay Allen, Rock Hill; Geoffrey Alexander Bellew, Summerfield; Rachel Bradshaw, Gastonia; Meredith E. Braswell, Goldsboro; Sarah Cline, Charlotte; Hayley Cohen, Raleigh; Ashley Michelle Fowler, Goldsboro; Parker T.

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French, Taylorsville; Amelia Gardner, Raleigh; Jesse Gore, Raleigh; Joseph Morrison Grew, Raleigh; Hillary Hutchins, Kitty Hawk; John Harrison Masters, Lumberton; Stefan Mazzara, Cary; Britney Jean McConnell, Catawba; Lida Taylor Pace, Raleigh; Will Robinson, Greensboro; Lilian Schorr, Charlotte; Shamir Thomas, Southern Pines; Milton Thomas, Southern Pines; Emily Shelton Urquhart, Speed; Alexander Boone Urquhart, Speed; Cortney Paige Walker, Murphy; Jonathan C. Watts, Taylorsville; Timothy Blaine Wiles, Raleigh; and Erin Yarborough, Raleigh.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 388 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, AND TO ANNEX DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF BOLTON, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, June 28, for concurrence.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 512 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF CONDITIONING THE PROVISION OF WATER OR SEWER SERVICES UPON AGREEING TO BE SUPPLIED WITH ELECTRICITY, TO PRESERVE THE CORRIDOR SERVICE RIGHTS OF ELECTRIC SUPPLIERS OUTSIDE CITIES FROM BEING LOST OR DILUTED DUE TO EXTRATERRITORIAL SERVICES BY CITIES, AND TO ADDRESS OTHER ELECTRIC TERRITORY ISSUES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, June 28, for concurrence.

S.B. 1059 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, June 28, for concurrence.

H.B. 1063, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF KILL DEVIL HILLS TO MAKE CERTAIN ASSESSMENTS WITHOUT PETITION.

The bill is placed on the Calendar for tomorrow, June 28.

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WITHDRAWAL FROM COMMITTEE

H.B. 1465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF MOTOR VEHICLE OIL FILTERS, RIGID PLASTIC CONTAINERS, AND WOODEN PALLETS IN LANDFILLS, referred to the **Commerce Committee** on May 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Agriculture/ Environment/Natural Resources Committee**.

Upon motion of Senator Basnight, seconded by Senator Malone, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, June 28, at 9:30 A.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 23, 2005

Madame President:

It is ordered that a message be sent to your Honorable Body with the information that Speaker Black has made the following changes to the Conference Committee for **S.B. 622** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS

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OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE:

Representative Carney is moved from the Subcommittee on General Government to the Subcommittee on Education.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:49 P.M.

EIGHTY-EIGHTH DAY

Senate Chamber
Tuesday, June 28, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, someone once wrote 'Good people with good intentions with the same facts don't always agree. We remember that Godly people with good

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intentions had great difficulty deciding which books should be canonized in Holy Scripture. We also know that within this Senate Chamber or as our Conferees negotiate a budget with their colleagues from the House these men and women will offer committed yet differing points of view. Good people with good intentions. May your spirit guide them, break down barriers and build bridges to success O God. Amen."

The Chair grants leaves of absence for today to Senator Apodaca and Senator Hunt.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, June 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Janice Huff from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Wendy Marchinko from Salisbury, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWAL FROM COMMITTEE

H.J.R. 578, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVEREND SHERLEY W. EDWARDS OF POTECASI, NORTH CAROLINA, A CIVIL RIGHTS ADVOCATE AND ARDENT SUPPORTER OF EDUCATION, referred to the **Rules and Operations of the Senate Committee** on March 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 288 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A MOTOR VEHICLE SHALL DO UPON APPROACH OF AN EMERGENCY VEHICLE, 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 70523, is adopted and engrossed.

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H.B. 1400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR PASSING A STOPPED SCHOOL BUS AND TO MAKE SCHOOL BUS STOPS SAFER, 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 80432, is adopted and engrossed.

Upon the appearance of Senator Hunt in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

H.B. 370 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS AND THE TOWNS OF LANDIS, SHALLOTTE, AND SPENCER, upon third reading.

The Senate Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill No. 2 is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 1005, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senator Webster—1.

The bill is ordered enrolled.

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H.B. 544, A BILL TO BE ENTITLED AN ACT TO AMEND THE MADISON COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 39, noes 10, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas and Weinstein—39.

Voting in the negative: Senators Berger of Rockingham, Brock, East, Forrester, Garrou, Hunt, Pittenger, Presnell, Tillman and Webster—10.

The bill is ordered enrolled.

H.B. 1056, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 41, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas and Weinstein—41.

Voting in the negative: Senators Brock, East, Forrester, Garrou, Pittenger, Presnell, Tillman and Webster—8.

The bill is ordered enrolled.

H.B. 1063, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF KILL DEVIL HILLS TO MAKE CERTAIN ASSESSMENTS WITHOUT PETITION, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senators Pittenger and Webster—2.

The bill remains on the Calendar for tomorrow, June 29, upon third reading.

S.B. 388 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, AND TO ANNEX DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF BOLTON, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill on its second reading by roll-call, ayes 49, noes 0 as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, June 29, for concurrence upon third reading.

H.B. 1630 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; CONFORMING THE RETIREE RETURN TO TEACHING BENEFIT TO INTERNAL REVENUE SERVICE GUIDELINES AND CLARIFYING THE DEFINITION OF RETIREMENT; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE; CONFORMING THE SUNSET OF THE ESTATE TAX TO FEDERAL LAW; AND COMPLYING WITH THE STREAMLINED SALES AND USE TAX AGREEMENT AND MAKING OTHER SALES AND USE TAX CHANGES, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 29, noes 20, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Swindell, Thomas and Weinstein—29.

Voting in the negative: Senators Allran, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Horton, Hunt, Jacumin, Pittenger, Presnell, Smith, Stevens, Tillman and Webster—20.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

The Chair grants a leave of absence for the remainder of today's session to Senator Dannelly.

H.B. 510 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY.

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.

June 28, 2005

H.B. 666 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS.

The Senate Committee Substitute bill passes its second (46-2) 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. 740, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED POSITIVE DRUG AND ALCOHOL TEST RESULT, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR OTHER PUBLIC TRANSIT VEHICLES UNTIL SUCCESSFUL COMPLETION OF TREATMENT.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor by special message.

Upon the appearance of Senator Dannelly in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 1163 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROVISIONS IN MOTOR CARRIER FREIGHT TRANSPORTATION CONTRACTS THAT HOLD HARMLESS THE SHIPPER FOR THE SHIPPER'S NEGLIGENCE OR INTENTIONAL ACTS ARE VOID.

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.

H.B. 1346 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE INTERSTATE COMPACT FOR JUVENILES.

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.

S.B. 512 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF CONDITIONING THE PROVISION OF WATER OR SEWER SERVICES UPON AGREEING TO BE SUPPLIED WITH ELECTRICITY, TO PRESERVE THE CORRIDOR SERVICE RIGHTS OF ELECTRIC SUPPLIERS OUTSIDE CITIES FROM BEING LOST OR DILUTED DUE TO EXTRATERRITORIAL SERVICES BY CITIES, AND TO ADDRESS OTHER ELECTRIC TERRITORY ISSUES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor by special message.

June 28, 2005

S.B. 821 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jenkins, 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. 1059 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Purcell the Senate fails to concur in the House Committee Substitute bill (0-49). Senator Purcell offers a motion to appoint conferees, which motion prevails.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 355, AN ACT TO RESTRICT THE USE OF RED AND BLUE LIGHTS ON VEHICLES.

H.B. 702, AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE.

H.B. 1102, AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 138, AN ACT ALLOWING THE CITY OF ARCHDALE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

S.B. 407, AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY.

H.B. 488, AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY.

June 28, 2005

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 451, AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER WHO RESIDES IN THE HOUSEHOLD OF A PROSPECTIVE ADOPTIVE PARENT, TO EXPAND THE PERSONS WHO ARE SUBJECT TO CRIMINAL RECORD CHECKS BY DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND TO MAKE OTHER CONFORMING CHANGES. (Became law upon approval of the Governor, June 27, 2005 - S.L. 2005-114.)

CALENDAR (*continued*)

H.J.R. 578, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVEREND SHERLEY W. EDWARDS OF POTECASTI, NORTH CAROLINA, A CIVIL RIGHTS ADVOCATE AND ARDENT SUPPORTER OF EDUCATION, placed earlier on today's Calendar.

Upon motion of Senator Holloman, the joint resolution is read in its entirety.

The joint resolution passes its second reading (49-0) and third reading with members standing, and is ordered enrolled.

Upon motion of Senator Dannelly, seconded by Senator Smith, the Senate adjourns subject to ratification of bills, receipt of messages from the House of Representatives, conference reports, and committee reports, and announcement of conferees to meet tomorrow, June 29, at 1:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 28, 2005

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. 1630** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE WITHOUT CONFORMING TO THE DEDUCTION FOR DOMESTIC

June 28, 2005

PRODUCTION ACTIVITIES, STATE AND LOCAL SALES AND USE TAXES, AND CERTAIN INTERNATIONAL SHIPPING ACTIVITIES; EXTENDING THE EIGHT AND ONE-QUARTER PERCENT UPPER INDIVIDUAL INCOME TAX BRACKET AS ENACTED IN 2001 FOR THE 2006 AND 2007 TAXABLE YEARS; EXTENDING THE ESTATE TAX UNTIL JANUARY 1, 2010; EXTENDING THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX UNTIL JULY 1, 2007; MAKING SALES TAX CHANGES REQUIRED BY THE STREAMLINED SALES TAX AGREEMENT; RETAINING THE USE TAX LINE ON THE INDIVIDUAL INCOME TAX RETURN UNTIL 2010; AND APPLYING THE SALES TAX TO CANDY, WARRANTY SERVICE AGREEMENTS, CABLE SERVICES, VOICE MAIL, AND SATELLITE RADIO, and requests conferees.

Speaker Black has appointed:

Representative Culpepper, Co-Chair
Representative Hackney, Co-Chair
Representative Luebke
Representative Alexander
Representative Wainwright
Representative Gibson
Representative Cunningham, and
Representative Holliman

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. 1630 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; CONFORMING THE RETIREE RETURN TO TEACHING BENEFIT TO INTERNAL REVENUE SERVICE GUIDELINES AND CLARIFYING THE DEFINITION OF RETIREMENT; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE; CONFORMING THE SUNSET OF THE ESTATE TAX TO FEDERAL LAW; AND COMPLYING WITH THE STREAMLINED SALES AND USE TAX AGREEMENT AND MAKING OTHER SALES AND USE TAX CHANGES.

June 28, 2005

Pursuant to the message received from the House of Representatives earlier today that the House fails to concur in the Senate Committee Substitute bill for H.B. 1630 and the motion by Senator Hoyle to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Hoyle and Senator Kerr, Co-Chairs; Senator Clodfelter; Senator Dannelly and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 512, AN ACT TO PROHIBIT THE PRACTICE OF CONDITIONING THE PROVISION OF WATER OR SEWER SERVICES UPON AGREEING TO BE SUPPLIED WITH ELECTRICITY, TO PRESERVE THE CORRIDOR SERVICE RIGHTS OF ELECTRIC SUPPLIERS OUTSIDE CITIES FROM BEING LOST OR DILUTED DUE TO EXTRATERRITORIAL SERVICES BY CITIES, AND TO ADDRESS OTHER ELECTRIC TERRITORY ISSUES.

S.B. 806, AN ACT TO AMEND THE LAW REGARDING MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT, MEDIATION IN DISTRICT COURT DOMESTIC CASES, AND THE REGULATION OF MEDIATORS, AS RECOMMENDED BY THE DISPUTE RESOLUTION COMMISSION.

S.B. 821, AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC.

H.B. 532, AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED.

H.B. 740, AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED POSITIVE DRUG AND ALCOHOL TEST RESULT, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR OTHER PUBLIC TRANSIT VEHICLES UNTIL SUCCESSFUL COMPLETION OF TREATMENT.

The Enrolling Clerk reports the following Bills and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

June 28, 2005

H.B. 544, AN ACT TO AMEND THE MADISON COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX.

H.B. 1005, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE.

H.B. 1056, AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY.

H.J.R. 578, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVEREND SHERLEY W. EDWARDS OF POTECASTI, NORTH CAROLINA, A CIVIL RIGHTS ADVOCATE AND ARDENT SUPPORTER OF EDUCATION. (Res. 37)

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. 138, AN ACT ALLOWING THE CITY OF ARCHDALE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS. (Became law upon ratification, June 28, 2005 - S.L. 2005-115.)

S.B. 407, AN ACT TO AUTHORIZE AN INCREASE IN THE VEHICLE TAX IN MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN CABARRUS COUNTY AND TO EXTEND A MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY. (Became law upon ratification, June 28, 2005 - S.L. 2005-116.)

H.B. 488, AN ACT TO UPDATE THE CHARTER OF THE TOWN OF CARY. (Became law upon ratification, June 28, 2005 - S.L. 2005-117.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 21, 2005

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Speaker Black has made the following changes to the Conference Committee

June 28, 2005

for **S.B. 622** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE:

Representative McLawhorn is added to the Subcommittee on Education.

Respectfully,
S/Denise G. Weeks
Principal Clerk

June 28, 2005

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Opportunities and Needs for Economic Growth in NC (ONE NC) Committee**:

S.B. 898, A BILL TO BE ENTITLED AN ACT ESTABLISHING A COMMISSION TO STUDY WORKFORCE PREPARATION IN THE PUBLIC SCHOOLS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55256, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:49 P.M.

EIGHTY-NINTH DAY

Senate Chamber
Wednesday, June 29, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God you have encouraged us by deed and by word to help others. There are countless opportunities every day to do so. Within a few steps of this Legislative building there are those asking for bus fare or lunch money. Whether we summon the courage to admit it or not, so often in trying to help people, our motivation is not their discomfort, but our own guilt. We confuse loving someone and feeling sorry for them. You look at people in need not only with compassion, but also with appreciation. You always honor people in need with some form of personal affirmation. Teach us to do likewise. Amen."

The Chair grants a leave of absence for today to Senator Basnight.

Senator Rand announces that the Journal of yesterday, 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.

June 29, 2005

The Deputy President Pro Tempore of the Senate extends privileges of the floor to Dr. William C. Meyer from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Sue Moore from Garner, 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. 544, AN ACT TO AMEND THE MADISON COUNTY OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, June 28, 2005 - S.L. 2005-118.)

H.B. 1005, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE. (Became law upon ratification, June 28, 2005 - S.L. 2005-119.)

H.B. 1056, AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY. (Became law upon ratification, June 28, 2005 - S.L. 2005-120.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 881, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSIONER OF INSURANCE AND THE NORTH CAROLINA RATE BUREAU TO ADOPT RULES TO ASSIGN INSURANCE POINTS FOR LAPSES IN MOTOR VEHICLE LIABILITY POLICIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75342, which changes the title to read **S.B. 881** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE PENALTIES FOR OPERATING A MOTOR VEHICLE WITHOUT HAVING IN FULL FORCE AND EFFECT A LIABILITY INSURANCE POLICY PROVIDING FINANCIAL RESPONSIBILITY, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 654 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES, 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 70525, is adopted and engrossed.

June 29, 2005

H.B. 655 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; AND REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT, 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 10373, is adopted and engrossed.

H.B. 660 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE FINANCIAL LAWS UNDER CHAPTER 58 OF THE GENERAL STATUTES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10372, is adopted and engrossed.

H.B. 733 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE, 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 70524, is adopted and engrossed.

By Senator Holloman for the **State & Local Government Committee**:

H.B. 635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AT LEAST ONE PUBLIC COMMENT PERIOD PER MONTH AT A REGULAR MEETING OF A LOCAL BOARD OF EDUCATION, COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD, with a favorable report.

H.B. 800 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING VENDORS BIDDING ON STATE CONTRACTS TO DISCLOSE WHETHER SERVICES WILL BE PERFORMED OUTSIDE THE UNITED STATES, with a favorable report.

H.B. 1020, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS, with a favorable report.

H.B. 1064 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REGARDING THE PROVISION OF WATER SERVICE IN BUNCOMBE COUNTY, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

June 29, 2005

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60507, which changes the title upon concurrence to read **H.B. 1064** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE OPERATION OF PUBLIC ENTERPRISES BY THE CITY OF ASHEVILLE, is adopted and engrossed.

Upon motion of Senator Nesbitt, the Rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

H.B. 1065 (Committee Substitute No.2), A BILL TO BE ENTITLED AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY, 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 30335, is adopted and engrossed.

Upon motion of Senator Nesbitt, the Rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1281 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS, 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 80433, is adopted and engrossed.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 461 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS, for concurrence in the House Committee Substitute bill.

Referred to the **Judiciary II Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1063, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF KILL DEVIL HILLS TO MAKE CERTAIN ASSESSMENTS WITHOUT PETITION, 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, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown,

June 29, 2005

Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators Brock, East, Goodall, Pittenger and Webster—5.
The bill is ordered enrolled.

H.B. 1064 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE OPERATION OF PUBLIC ENTERPRISES BY THE CITY OF ASHEVILLE, placed earlier on today's Calendar.

Without objection, Senator Clodfelter requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.

The Senate Committee Substitute bill passes its second (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. 1065 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY, placed earlier on today's Calendar.

Without objection, Senator Clodfelter requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.

The Senate Committee Substitute bill passes its second (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.

S.B. 388 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, AND TO ANNEX DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF BOLTON, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Soles, 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, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

H.B. 288 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A MOTOR VEHICLE SHALL DO UPON APPROACH OF AN EMERGENCY VEHICLE.

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.

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H.B. 1400 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR PASSING A STOPPED SCHOOL BUS AND TO MAKE SCHOOL BUS STOPS SAFER.

Senator Horton offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 1:57 P.M. to reconvene at 4:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who returns to the Chamber and presides in the absence of the Lieutenant Governor.

The Chair grants leaves of absence for the remainder of today's session to Senator Berger of Rockingham and Senator Shaw.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee**:

H.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR, 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 70527, is adopted and engrossed.

H.B. 11 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS, with a favorable report.

H.B. 563 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, 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 50470, which changes the title upon concurrence to read **H.B. 563** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL

ENTRY, AND TO REDUCE FROM FIVE YEARS TO THREE YEARS THE LENGTH OF A PROVISIONAL TEACHING CERTIFICATE ISSUED TO A LATERAL ENTRY TEACHER, is adopted and engrossed.

The Senate recesses at 4:33 P.M. to reconvene at 8:30 P.M. subject to ratification of bills and receipt of Committee Reports and messages from the House of Representatives.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1064, AN ACT REGARDING THE OPERATION OF PUBLIC ENTERPRISES BY THE CITY OF ASHEVILLE.

H.B. 1065, AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 472, AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX ACTS, TO REQUIRE PERSONS CONVICTED OF THIS OFFENSE TO REGISTER AS SEX OFFENDERS, AND TO AUTHORIZE THE STATE BUREAU OF INVESTIGATION TO INVESTIGATE CERTAIN CRIMES COMMITTED BY USE OF A COMPUTER. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-121.)

H.B. 27, AN ACT REQUIRING THE EMPLOYMENT SECURITY COMMISSION TO CONSIDER THE ORDINARY BUSINESS ACTIVITIES OF EMPLOYERS WHEN SCHEDULING HEARINGS. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-122.)

S.B. 734, AN ACT TO AMEND ARTICLE 4 OF CHAPTER 45 OF THE GENERAL STATUTES RELATING TO THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-123.)

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S.B. 685, AN ACT TO REVISE THE PROFESSIONAL EMPLOYER ORGANIZATION ACT BY PROVIDING FOR THE CANCELLATION OF SURETY BONDS UNDER CERTAIN CIRCUMSTANCES, ESTABLISHING THE REQUIREMENTS FOR DE MINIMIS REGISTRATION, PROVIDING THAT APPLICANTS FOR LICENSURE ARE NOT REQUIRED TO PROVIDE EVIDENCE TO THE COMMISSIONER THAT THE WORKERS' COMPENSATION PREMIUM PAID BY THE APPLICANT IS COMMENSURATE WITH EXPOSURE AND ANTICIPATED CLAIM EXPERIENCE FOR ALL EMPLOYEES COVERED UNDER POLICIES IN THE NAME OF THE LICENSEE, REVISING THE LAW GOVERNING EVIDENCE OF FINANCIAL RESPONSIBILITY FOR ORGANIZATIONS APPLYING FOR LICENSURE ON OR BEFORE JULY 1, 2005, PROVIDING FOR CONDITIONAL AUTHORITY FOR A PROFESSIONAL EMPLOYER ORGANIZATION TO OPERATE PENDING CONSIDERATION OF ITS LICENSE APPLICATION UPON A SHOWING OF FINANCIAL STABILITY AND NEED, AND AUTHORIZING THE USE OF FUNDS FROM THE INSURANCE REGULATORY FUND FOR REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-124.)

H.B. 678, AN ACT ALLOWING THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN BIDS ON CERTAIN SERVICE CONTRACTS WITHOUT OBTAINING APPROVAL FROM THE STATE PURCHASING OFFICER. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-125.)

H.B. 698, AN ACT TO EXPAND THE FINDINGS, THE PURPOSE, AND THE APPROVED PRACTICES OF THE CURRENT FOREST DEVELOPMENT ACT. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-126.)

S.B. 15, AN ACT TO ALLOW STATE-OWNED PROPERTY TO BE MOVED FROM ONE COUNTY WATER AND SEWER DISTRICT TO ANOTHER AND TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER AUTHORITIES. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-127.)

H.B. 395, AN ACT TO DESIGNATE THE DIVISION OF FOREST RESOURCES AS AN EMERGENCY RESPONSE AGENCY. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-128.)

H.B. 1262, AN ACT AUTHORIZING THE NORTH CAROLINA SOCIAL WORK CERTIFICATION AND LICENSURE BOARD TO EMPLOY PERSONNEL NECESSARY TO CARRY OUT THE PROVISIONS OF THE SOCIAL WORK CERTIFICATION AND LICENSURE ACT. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-129.)

H.B. 1209, AN ACT TO AMEND THE SEX OFFENDER REGISTRATION PROGRAM TO INCLUDE SEXUAL BATTERY AS A REPORTABLE

June 29, 2005

OFFENSE, AND ADD SEXUAL BATTERY TO THE OFFENSES REQUIRING A DNA SAMPLE. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-130.)

S.B. 178, AN ACT AMENDING CERTAIN LAWS RELATING TO LICENSURE REQUIREMENTS FOR PLUMBING AND HEATING CONTRACTORS. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-131.)

H.B. 672, AN ACT TO REDUCE THE HOLDING PERIOD FOR CERTAIN UNCLAIMED PROPERTY HELD AS STOCK OR OTHER EQUITY INTERESTS IN A BUSINESS ASSOCIATION, INCLUDING CASH DISTRIBUTIONS OF A DEMUTUALIZED INSURANCE COMPANY. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-132.)

H.B. 874, AN ACT TO CHANGE THE TITLE OF THE SAFETY AND HEALTH REVIEW BOARD UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA TO THE NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, TO CHANGE THE TITLE OF THE OFFICE OF OCCUPATIONAL SAFETY AND HEALTH TO THE OCCUPATIONAL SAFETY AND HEALTH DIVISION, AND TO RESTORE THE AUTHORITY OF THE BOARD TO ASSESS PENALTIES IN THE CASE OF AN APPEAL. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-133.)

S.B. 537, AN ACT TO ALLOW THE PAYMENT OF TAXES IN LIMITED CIRCUMSTANCES BY OFFSET OF AN OBLIGATION OWED TO THE TAXPAYER BY THE TAXING UNIT. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-134.)

H.B. 1199, AN ACT TO PROVIDE THAT A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST MAY FILE AN AFFIDAVIT FOR INVOLUNTARY COMMITMENT WITH THE CLERK OR MAGISTRATE EITHER BY HAND DELIVERY OF THE ORIGINAL AFFIDAVIT OR BY FACSIMILE TRANSMISSION OF A PAPER COPY OF THE AFFIDAVIT. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-135.)

S.B. 396, AN ACT ALLOWING COUNTIES TO MAKE CHANGES IN SERVICE DISTRICTS CREATED PURSUANT TO ARTICLE 16 OF CHAPTER 153A OF THE GENERAL STATUTES. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-136.)

H.B. 821, AN ACT RELATING TO THE ADMISSIBILITY OF THE RESULTS OF SPEED-MEASURING INSTRUMENTS. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-137.)

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S.B. 465, AN ACT TO CLARIFY THE SERVICE AND FILING REQUIREMENTS OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE. (Became law upon approval of the Governor, June 29, 2005 - S.L. 2005-138.)

H.B. 1064, AN ACT REGARDING THE OPERATION OF PUBLIC ENTERPRISES BY THE CITY OF ASHEVILLE. (Became law upon ratification, June 29, 2005 - S.L. 2005-139.)

H.B. 1065, AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY. (Became law upon ratification, June 29, 2005 - S.L. 2005-140.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 29, 2005

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. 217** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES, and requests conferees.

Speaker Morgan has appointed:

Representative Hackney
Representative Harrison
Representative Ross
Representative Stam
Representative Stiller

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
Denise G. Weeks
Principal Clerk

June 29, 2005

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Upon motion of Senator Swindell, seconded by Senator Berger of Franklin, the Senate adjourns at 8:40 P.M. subject to receipt of Conference Reports, to meet tomorrow, June 30, at 12:00 Noon.

NINETIETH DAY

Senate Chamber
Thursday, June 30, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"The drought was into its third year in Israel. The famine was severe in Samaria. All the people of Israel, tired, hungry, frustrated gathered to watch a battle of epic proportions. Eight-hundred and fifty prophets of the gods of Baal and Asherah stood opposite your prophet Elijah at the top of Mt. Carmel. The false prophets prayed to their gods, cried aloud, but no voice, no response, no answer was heard. The Elijah prayed, O Lord, let it be known that you are the one God. A small cloud no larger than a person's hand began rising out of the sea. In a little while the heavens grew black with clouds and wind and there was a heavy rain. The battle was over. The drought ended. Your sovereignty, O God, was established and the people went home. We pray that there will be an Elijah event in the Legislature today. Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, 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 Pro Tempore of the Senate extends privileges of the floor to Dr. Lindsey L. White from Elizabeth City, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

June 30, 2005

H.B. 514, AN ACT TO PROVIDE THAT ANY MOTION FILED IN A CIVIL ACTION WHEN THE ACTION IS PENDING IN A SUPERIOR COURT OF A COUNTY THAT IS IN A SUPERIOR COURT DISTRICT CONSISTING OF MORE THAN ONE COUNTY MAY BE HEARD IN ANY SUPERIOR COURT IN THAT SUPERIOR COURT DISTRICT.

H.B. 1168, AN ACT TO PROHIBIT THE DECEPTIVE USE OF THE NAME OR LOGO OF A BANKING ENTITY WITHOUT PERMISSION IN THE MARKETING OF FINANCIAL PRODUCTS AND SERVICES.

H.B. 1430, AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING AREA.

H.B. 1503, AN ACT TO PROVIDE THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES ARE TREATED AS CITIES FOR PURPOSES OF CIVIL LIABILITY.

H.B. 1552, AN ACT TO EXTEND THE REGULATORY AUTHORITY OVER CAMPUS PARKING TO THE BOARD OF TRUSTEES OF NORTH CAROLINA A&T STATE UNIVERSITY.

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. 388, AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, AND TO ANNEX DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF BOLTON.

H.B. 1063, AN ACT TO ALLOW THE TOWN OF KILL DEVIL HILLS TO MAKE CERTAIN ASSESSMENTS WITHOUT PETITION.

H.J.R. 1582, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF DR. ROBERT K. KOGER TO THE UTILITIES COMMISSION. (Res. 38)

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1630** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL

June 30, 2005

MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; CONFORMING THE RETIREE RETURN TO TEACHING BENEFIT TO INTERNAL REVENUE SERVICE GUIDELINES AND CLARIFYING THE DEFINITION OF RETIREMENT; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE; CONFORMING THE SUNSET OF THE ESTATE TAX TO FEDERAL LAW; AND COMPLYING WITH THE STREAMLINED SALES AND USE TAX AGREEMENT AND MAKING OTHER SALES AND USE TAX CHANGES, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1630, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; CONFORMING THE RETIREE RETURN TO TEACHING BENEFIT TO INTERNAL REVENUE SERVICE GUIDELINES AND CLARIFYING THE DEFINITION OF RETIREMENT; UPDATING THE REFERENCE DATE TO THE INTERNAL REVENUE CODE; CONFORMING THE SUNSET OF THE ESTATE TAX TO FEDERAL LAW; AND COMPLYING WITH THE STREAMLINED SALES AND USE TAX AGREEMENT AND MAKING OTHER SALES AND USE TAX CHANGES, Senate Finance Committee Substitute Adopted 6/23/05, Fourth Edition Engrossed 6/23/05, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 6/23/05, Fourth Edition Engrossed 6/23/05, 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 H1630-PCCS-30338-RBG-11.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 28, 2005.

Conferees for the Senate

S/Sen. John H. Kerr, III, Co-Chair
S/Sen. David W. Hoyle, Co-Chair
S/Sen. Daniel G. Clodfelter

Conferees for the
House of Representatives

S/Rep. Bill Culpepper, Chair
S/Rep. Joe Hackney, Chair
S/Rep. Paul Luebke

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S/Sen. Tony Rand
S/Sen. Charlie Smith Dannelly

S/Rep. Martha B. Alexander
S/Rep. William L. Wainwright
S/Rep. Pryor Gibson
S/Rep. W. Pete Cunningham
S/Rep. Hugh Holliman

The text of the attached Proposed Conference Committee Substitute, PCCS H1630-PCCS-30338-RBG-11, which changes the title, is as follows:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; EXTENDING THE SUNSET ON RETIRED TEACHERS RETURNING TO THE CLASSROOM UNTIL JULY 31, 2007; CONFORMING THE STATE ESTATE TAX TO THE FEDERAL ESTATE TAX SUNSET; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX FROM JULY 1, 2005, UNTIL THE 2005 APPROPRIATIONS ACT BECOMES LAW.

The General Assembly of North Carolina enacts:

PART I. BUDGET CONTINUATION

SECTION 1. The Director of the Budget may continue to allot funds for expenditure by State departments, institutions, and agencies at a level not to exceed the level of recurring expenditures authorized in S.L. 2004-124, as amended.

The Director of the Budget shall not allocate funds for any of the purposes set out in the budget reductions contained in Senate Bill 622, fourth edition, and Senate Bill 622, seventh edition, that are not in controversy.

Vacant positions subject to the proposed budget reductions in either Senate Bill 622, fourth edition, or Senate Bill 622, seventh edition, shall not be filled.

To the extent necessary to implement this authorization, there is appropriated from the appropriate State funds and cash balances, federal receipts, and departmental receipts for the 2005-2006 fiscal year funds necessary to carry out this section.

The appropriations and the authorizations to allocate and spend funds which are set out in this section shall remain in effect until the Current Operations and Capital Improvements Appropriations Act of 2005 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 2005 becomes law, the Director of the Budget shall adjust allotments to give effect to that act from July 1, 2005.

Except as otherwise provided by this act, the limitations and directions for the 2004-2005 fiscal year set out in S.L. 2003-284, as amended, and in S.L. 2004-124, as amended, 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 section.

June 30, 2005

PART II. FEDERAL BLOCK GRANTS

SECTION 2. 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. 2004-124 and as otherwise provided by law, and appropriations from federal block grants are hereby made.

PART III. NO AUTOMATIC STEP INCREASE FOR STATE AND PUBLIC SCHOOL EMPLOYEES

SECTION 3. 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.

PART IV. SALARY-RELATED CONTRIBUTIONS/EMPLOYER

SECTION 4.(a) The State's employer contribution rates budgeted for retirement and related benefits for the 2005-2006 fiscal year shall remain the same as they are on June 30, 2005.

SECTION 4.(b) The State's employer contribution rates established by this section are effective only until this section expires and are subject to revision in the Current Operations and Capital Improvements Appropriations Act of 2005. If the Current Operations and Capital Improvements Appropriations Act of 2005 modifies these rates, the Director of the Budget shall further modify the rates set in that act for the remainder of the 2005-2006 fiscal year so as to compensate for the different amount contributed between July 1, 2005, and the date the Current Operations and Capital Improvements Appropriations Act of 2005 becomes law so that the effective rates for the entire year reflect the rates set in the Current Operations and Capital Improvements Appropriations Act of 2005.

PART V. FUNDS SHALL NOT REVERT

SECTION 5.(a) If the provisions of either Senate Bill 622, fourth edition, or Senate Bill 622, seventh edition, or both, direct that funds shall not revert, the funds shall not revert on June 30, 2005. Unless these funds are encumbered on or before June 30, 2005, these funds shall not be expended after June 30, 2005, except as provided by a law enacted after June 30, 2005.

SECTION 5.(b) This section becomes effective June 30, 2005.

PART VI. STATE CONTROLLER SHALL NOT TRANSFER FUNDS ON JUNE 30

SECTION 6.(a) Notwithstanding G.S. 143-15.2 and G.S. 143-15.3A, for the 2004-2005 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, 2005.

June 30, 2005

SECTION 6.(b) Notwithstanding G.S. 143-15.2 and G.S. 143-15.3, for the 2004-2005 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, 2005.

SECTION 6.(c) This section becomes effective June 30, 2005.

PART VII. MODIFY GLOBAL TRANSPARK DEBT

SECTION 7. G.S. 147-69.2(b)(11) reads as rewritten:

"(b) It shall be the duty of the State Treasurer to invest the cash of the funds enumerated in subsection (a) of this section in excess of the amount required to meet the current needs and demands on such funds, selecting from among the following:

- ...
- (11) With respect to assets of the Escheat Fund, obligations of the North Carolina Global TransPark Authority authorized by G.S. 63A-4(a)(22), not to exceed twenty-five million dollars (\$25,000,000), that have a final maturity not later than ~~July 1, 2005~~ July 31, 2005. The obligations shall bear interest at the rate set by the State Treasurer. No commitment to purchase obligations may be made pursuant to this subdivision after September 1, 1993, and no obligations may be purchased after September 1, 1994. In the event of a loss to the Escheat Fund by reason of an investment made pursuant to this subdivision, it is the intention of the General Assembly to hold the Escheat Fund harmless from the loss by appropriating to the Escheat Fund funds equivalent to the loss."

PART VII-A. EXTEND THE SUNSET ON RETIRED TEACHERS RETURNING TO THE CLASSROOM

SECTION 7A.1. Subsection (d) of Section 28.24 of S.L. 1998-212, as amended by Section 31.18A of S.L. 2004-124, reads as rewritten:

"(d) This section becomes effective January 1, 1999, and expires June 30, ~~2005~~ 2007."

SECTION 7A.2. The introductory language of Section 67 of S.L. 1998-217, as amended by Section 31.18A of S.L. 2004-124, reads as rewritten:

"**SECTION 67.** Effective January 1, 1999, through June 30, ~~2005~~ 2007, G.S. 135-3(8)c., as rewritten by Section 28.24(a) of S.L. 1998-212 reads as rewritten:"

SECTION 7A.3. Subsection (b) of Section 67.1 of S.L. 1998-217, as amended by Section 31.18A of S.L. 2004-124, reads as rewritten:

"(b) This section becomes effective January 1, 1999, and expires June 30, ~~2005~~ 2007."

SECTION 7A.4. Subsection (c) of Section 32.25 of S.L. 2001-424, as amended by Section 31.18A of S.L. 2004-124, reads as rewritten:

"**SECTION 32.25.(c)** This section becomes effective July 1, 2001, and expires June 30, ~~2005~~ 2007."

SECTION 7A.5. This part becomes effective June 30, 2005.

PART VIII. CONFORM ESTATE TAX TO FEDERAL SUNSET

SECTION 8.1. Section 30C.3(b) of S.L. 2002-126, as amended by Section 37A.4 of S.L. 2003-284 and Section 1 of S.L. 2004-170, reads as rewritten:

"**SECTION 30C.3.(b)** This section is effective on and after January 1, 2002, and applies to the estates of decedents dying on or after that date. ~~This section and Section 37A.5 of S.L. 2003-284 are repealed effective for the estates of decedents dying on or after July 1, 2005.~~"

SECTION 8.2. Section 4(b) of S.L. 2004-170 is repealed.

SECTION 8.3. This part is effective when it becomes law.

PART IX. EXTEND SUNSET ON ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX RATE

SECTION 9.1. Section 34.13(c) of S.L. 2001-424, as amended by Section 38.1 of S.L. 2003-284, reads as rewritten:

"**SECTION 34.13.(c)** This section becomes effective October 16, 2001, and applies to sales made on or after that date. This section is repealed effective for sales made ~~on or after July 1, 2005~~ the date that Senate Bill 622, 2005 Regular Session, the 2005 Appropriations Act, becomes law. In no event is the tax extended beyond December 31, 2005. This section does not affect the rights or liabilities of the State, a taxpayer, or another person arising under a statute amended or repealed by this section before the effective date of its amendment or repeal; nor does it affect the right to any refund or credit of a tax that accrued under the amended or repealed statute before the effective date of its amendment or repeal."

SECTION 9.2. This part is effective when it becomes law.

PART X. EFFECTIVE DATE

SECTION 10. Except as otherwise provided, Parts I through VI of this act become effective July 1, 2005, and expire July 20, 2005. Except as otherwise provided, the remainder of this act becomes effective June 30, 2005.

With unanimous consent, upon motion of Senator Hoyle, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

The Senate recesses at 12:37 P.M. to reconvene at 12:40 P.M. subject to receipt of messages from the House of Representatives and committee reports.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 1284 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW.

Referred to the **Commerce Committee** and upon a favorable report re-referred to **Finance Committee**.

H.B. 1429 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, TO REQUIRE THE

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DESIGNATION OF A PRIMARY SOURCE FOR THE IMPORTATION OF WINE INTO THE STATE, TO CLARIFY THE LAW CONCERNING SPLIT-CASE FEES, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE.

Referred to the **Commerce Committee** and upon a favorable report re-referred to **Finance Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 804 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ORDER OF PAYMENT OF A CLAIM FOR EQUITABLE DISTRIBUTION UNDER THE LAWS RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, July 5.

H.B. 923 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING POSTSEPARATION SUPPORT, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, July 5.

By Senator Holloman for the **State & Local Government Committee**:

H.B. 196, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF OXFORD TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, 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 70529, which changes the title upon concurrence to read **H.B. 196** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF OXFORD AND MOREHEAD CITY AND THE TOWNS OF ATLANTIC BEACH AND NEWPORT TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE MUNICIPALITIES WEEDED LOT ORDINANCES, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 5.

By Senator Soles for the **Commerce Committee**:

H.B. 653 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CREDIT INSURANCE LAWS TO DEFINE "CRITICAL PERIOD COVERAGE"; CLARIFY THE APPROPRIATE REFUND

OF PREMIUMS METHOD WHEN A POLICY OR GROUP CERTIFICATE IS TERMINATED PRIOR TO THE SCHEDULED MATURITY DATE OF THE SUBJECT DEBT; ALLOW CREDIT CARD COVERAGE FROM OUT-OF-STATE FINANCIAL INSTITUTIONS; PROVIDE THAT INSURERS MUST ACKNOWLEDGE TO THE CLAIMANT ANY CLAIMS NOT PAID WITHIN THIRTY DAYS; CLARIFY THAT INSURERS CAN REQUIRE REGISTRATION WITH THE STATE UNEMPLOYMENT OFFICE AND PROVISION OF AN OFFICIAL STATE UNEMPLOYMENT OFFICE DECISION LETTER REGARDING THE CLAIM TO QUALIFY FOR CREDIT UNEMPLOYMENT INSURANCE BENEFITS UNDER THE POLICY BUT CANNOT IMPOSE A TIME LIMIT ON THAT REGISTRATION; AND PROVIDE THE COMMISSIONER OF INSURANCE WITH THE AUTHORITY TO ENFORCE THE LAWS GOVERNING CREDIT INSURANCE CONSISTENT WITH THE COMMISSIONER'S GENERAL ENFORCEMENT AUTHORITY AS SET FORTH IN CHAPTER 58 OF THE GENERAL STATUTES, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, July 5.

H.B. 673 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT, TO REQUIRE THE COMMISSIONER OF INSURANCE TO REPORT WHETHER CONTINUED PARTICIPATION BY THIS STATE IN THE COMPACT IS IN THE BEST INTEREST OF THE CITIZENS AND POLICYHOLDERS OF THIS STATE, AND TO PROVIDE A SUNSET FOR PARTICIPATION IN THE COMPACT, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, July 5.

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.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 1630 (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1,

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2005, UNTIL JULY 31, 2005; EXTENDING THE SUNSET ON RETIRED TEACHERS RETURNING TO THE CLASSROOM UNTIL JULY 31, 2007; CONFORMING THE STATE ESTATE TAX TO THE FEDERAL ESTATE TAX SUNSET; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX FROM JULY 1, 2005 UNTIL THE 2005 APPROPRIATIONS ACT BECOMES LAW, placed earlier on today's Calendar for adoption.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report (29-19).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1020, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS.

The bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 11 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS.

Upon motion of Senator Swindell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 5.

H.B. 563 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, AND TO REDUCE FROM FIVE YEARS TO THREE YEARS THE LENGTH OF A PROVISIONAL TEACHING CERTIFICATE ISSUED TO A LATERAL ENTRY TEACHER.

The Senate Committee Substitute bill passes its second (48-2) 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. 635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AT LEAST ONE PUBLIC COMMENT PERIOD PER MONTH AT A REGULAR MEETING OF A LOCAL BOARD OF EDUCATION, COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD.

The Committee Substitute bill passes its second (49-1) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 654 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES.

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 5.

H.B. 655 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS

FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; AND REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT.

The Senate Committee Substitute bill passes its second reading (50-0).

Senator Soles objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, July 5.

H.B. 660 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE FINANCIAL LAWS UNDER CHAPTER 58 OF THE GENERAL STATUTES.

The Senate Committee Substitute bill passes its second (50-0) 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. 733 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE.

The Senate Committee Substitute bill passes its second (50-0) 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. 800 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING VENDORS BIDDING ON STATE CONTRACTS TO DISCLOSE WHETHER SERVICES WILL BE PERFORMED OUTSIDE THE UNITED STATES.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to Governor by special message.

H.B. 1032 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR.

The Senate Committee Substitute bill passes its second reading (44-6).

Senator East objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, July 5.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1059 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1059 on Tuesday, June 28, and the motion by Senator Purcell to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Purcell, Chair; Senator

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Bingham; Senator Cowell and Senator Dorsett 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.

PLEDGE OF ALLEGIANCE

Led by the President *Pro Tempore*, members and guests remain standing and pledge allegiance to the flag of the United States of America.

Upon motion of Senator Dannelly, seconded by Senator Weinstein, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet tomorrow, July 1, at 9:30 A.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 30, 2005

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. 1630** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; EXTENDING THE SUNSET ON RETIRED TEACHERS RETURNING TO THE CLASSROOM UNTIL JULY 31, 2007; CONFORMING THE STATE ESTATE TAX TO THE FEDERAL ESTATE TAX SUNSET; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX FROM JULY 1, 2005, UNTIL THE 2005 APPROPRIATIONS ACT BECOMES LAW.

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

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ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 635, AN ACT TO REQUIRE AT LEAST ONE PUBLIC COMMENT PERIOD PER MONTH AT A REGULAR MEETING OF A LOCAL BOARD OF EDUCATION, COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD.

H.B. 800, AN ACT REQUIRING VENDORS BIDDING ON STATE CONTRACTS TO DISCLOSE WHETHER SERVICES WILL BE PERFORMED OUTSIDE THE UNITED STATES.

H.B. 1630, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; EXTENDING THE SUNSET ON RETIRED TEACHERS RETURNING TO THE CLASSROOM UNTIL JULY 31, 2007; CONFORMING THE STATE ESTATE TAX TO THE FEDERAL ESTATE TAX SUNSET; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX FROM JULY 1, 2005, UNTIL THE 2005 APPROPRIATIONS ACT BECOMES LAW.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1020, AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 2:33 P.M.

NINETY-FIRST DAY

Senate Chamber
Friday, July 1, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Janet Pruitt, Senate Principal Clerk, who relinquishes the gavel to The Honorable John Snow, Jr., Senator from Cherokee County, who presides in the absence of the Lieutenant Governor.

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Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, it is fitting that over the coming Fourth of July holiday weekend we will celebrate our Country's freedom in so many different ways from parades and picnics to fireworks displays and quiet remembrance of freedom's costs. Help us within the wide latitude of your freedom to do anything we ought to do, anything you would have us to do, never forgetting freedom's great cost to you or to us. Amen."

Senator Malone announces that the Journal of Thursday, 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.

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. 388, AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, AND TO ANNEX DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF BOLTON. (Became law upon ratification, June 30, 2005 - S.L. 2005-141.)

H.B. 1063, AN ACT TO ALLOW THE TOWN OF KILL DEVIL HILLS TO MAKE CERTAIN ASSESSMENTS WITHOUT PETITION. (Became law upon ratification, June 30, 2005 - S.L. 2005-142.)

H.B. 1020, AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS. (Became law upon ratification, June 30, 2005 - S.L. 2005-143.)

H.B. 1630, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 1, 2005, UNTIL JULY 31, 2005; EXTENDING THE SUNSET ON RETIRED TEACHERS RETURNING TO THE CLASSROOM UNTIL JULY 31, 2007; CONFORMING THE STATE ESTATE TAX TO THE FEDERAL ESTATE TAX SUNSET; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX FROM JULY 1, 2005, UNTIL THE 2005 APPROPRIATIONS ACT BECOMES LAW. (Became law upon approval of the Governor, June 30, 2005 - S.L. 2005-144.)

H.B. 822, AN ACT TO AMEND STATE LAW REGARDING THE DETERMINATION OF AGGRAVATING FACTORS IN A CRIMINAL CASE TO CONFORM WITH THE UNITED STATES SUPREME COURT DECISION IN BLAKELY V. WASHINGTON. (Became law upon approval of the Governor, June 30, 2005 - S.L. 2005-145.)

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H.B. 97, AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO MURDERS THE OTHER PARENT OF THE CHILD. (Became law upon approval of the Governor, June 30, 2005 - S.L. 2005-146.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 392 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO SELL PERSONAL UNIFORMS AND EQUIPMENT TO PUBLIC SAFETY EMPLOYEES UPON THE EMPLOYEES LEAVING THE CITY'S EMPLOYMENT AND AS IT RELATES TO CERTAIN PURCHASES AND LEASES OF REAL PROPERTY BY CITY EMPLOYEES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 5, for concurrence.

S.B. 463 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE AND TO MAKE THE AUTHORITY APPLY TO ADDITIONAL PROPERTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 5, for concurrence.

Upon motion of Senator Stevens, seconded by Senator Malone, the Senate adjourns at 9:34 A.M. to meet Tuesday, July 5, at 2:00 P.M.

NINETY-SECOND DAY

Senate Chamber
Tuesday, July 5, 2005

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 Kimball, Raleigh, North Carolina as follows:

“Great and gracious God, we gather today fresh from our celebrations of freedom. Hear our prayers of thanksgiving and gratitude for those who have gone before us and secured this freedom, many with their very lives. As we

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gather today, it is with a keen awareness that we can come together to do the work before us because others continue to serve around the globe to defend our precious freedom. Keep them safe, O God. Guide these men and women in your work today. May they be equal to the task that this costly freedom allows. In the name of the one who offers freedom and peace to all, Amen.”

The Chair grants leaves of absence for today to Senator Clodfelter and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, July 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Perry E. Jones from High Point, North Carolina, who is serving the Senate as Doctor of the Day.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 655 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; AND REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 7.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 3, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO REQUIRE APPLICANTS TO SUBMIT EVIDENCE OF CONTINUING COMPETENCY UPON LICENSE RENEWAL OR REINSTATEMENT.

S.B. 1058, AN ACT TO EXPAND THE SCOPE OF THE CRIMINAL OFFENSE OF ASSAULT ON AN ASSISTANCE ANIMAL AND TO REQUIRE RESTITUTION.

H.B. 510, AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY.

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H.B. 1097, AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO AWARD CONTRACTS FOR THE MANAGEMENT OF SLUDGE ON THE BASIS OF FACTORS OTHER THAN COST ALONE AND TO ENTER INTO CONTRACTS THAT PROVIDE FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF SLUDGE MANAGEMENT FACILITIES BY A SINGLE ENTITY.

H.B. 1163, AN ACT TO PROVIDE THAT PROVISIONS IN MOTOR CARRIER FREIGHT TRANSPORTATION CONTRACTS THAT HOLD HARMLESS THE SHIPPER FOR THE SHIPPER'S NEGLIGENCE OR INTENTIONAL ACTS ARE VOID.

H.B. 1319, AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION ACT.

H.B. 1392, AN ACT TO CREATE A CLASS H FELONY OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 88, AN ACT REPEALING THE APPLICABILITY OF CERTAIN MOTOR VEHICLE LAWS ON PROPERTIES OWNED OR UNDER THE CONTROL OF THE BENT TREE PLANTATION HOMEOWNERS ASSOCIATION IN BRUNSWICK COUNTY.

CALENDAR *(continued)*

H.B. 196 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF OXFORD AND MOREHEAD CITY AND THE TOWNS OF ATLANTIC BEACH AND NEWPORT TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE MUNICIPALITIES WEEDED LOT ORDINANCES.

The Senate Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1221 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN

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DOMESTIC CHILD CUSTODY ACTIONS, 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 70530, is adopted and engrossed.

H.B. 1417 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE SIX ADDITIONAL MEMBERS OF THE 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 10375, is adopted and engrossed.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Soles for the **Commerce Committee**:

H.B. 1353 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION TO HEAR CONTROVERSIES SUBMITTED BY MUNICIPAL ELECTRIC SERVICE CUSTOMERS WHO LIVE OUTSIDE THE MUNICIPALITY'S CORPORATE BOUNDARIES AND IN LENOIR COUNTY, with a favorable report.

Upon motion of Senator Rand, the bill is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 1469 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, with a favorable report.

H.B. 1332, A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES, 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 50433, is adopted and engrossed.

H.B. 737 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED, LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL

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RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS FOR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO FIVE; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; AND AMEND THE UTILIZATION REVIEW LAWS TO CLARIFY THAT SUCH LAWS PLAINLY APPLY TO INDIVIDUAL INSURANCE COVERAGE AS WELL AS GROUP COVERAGE, 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 10376, which changes the title upon concurrence to read **H.B. 737** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED, LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS FOR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO FIVE; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS

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A CLAIMANT; AMEND THE UTILIZATION REVIEW LAWS TO CLARIFY THAT SUCH LAWS PLAINLY APPLY TO INDIVIDUAL INSURANCE COVERAGE AS WELL AS GROUP COVERAGE; TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; ENSURE THAT COVERED PERSONS RECEIVING EXTERNAL REVIEW KNOW WHAT INFORMATION THEIR INSURER PROVIDES TO THE EXTERNAL REVIEW ORGANIZATION PERFORMING THE REVIEW; AND ELIMINATE EXTERNAL REVIEW OUTSIDE OF NORMAL BUSINESS HOURS, is adopted and engrossed.

H.B. 1236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPLACE THE ALLIANCE OF AMERICAN INSURERS AND NATIONAL ASSOCIATION OF INDEPENDENT INSURERS WITH THE PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA AND ONE INSURER FROM THE INDUSTRY AT LARGE SELECTED BY THE INSURER COMPANY MEMBERS OF THE BOARD AS TRADE ASSOCIATION MEMBERS WHICH MUST BE REPRESENTED ON THE BOARD OF GOVERNORS OF THE NORTH CAROLINA REINSURANCE FACILITY, 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 80435, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 392 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO SELL PERSONAL UNIFORMS AND EQUIPMENT TO PUBLIC SAFETY EMPLOYEES UPON THE EMPLOYEES LEAVING THE CITY'S EMPLOYMENT AND AS IT RELATES TO CERTAIN PURCHASES AND LEASES OF REAL PROPERTY BY CITY EMPLOYEES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Cowell, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled.

S.B. 463 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE AND TO MAKE THE AUTHORITY APPLY TO ADDITIONAL PROPERTY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dannelly, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled.

H.B. 11 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS.

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The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 653 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CREDIT INSURANCE LAWS TO DEFINE "CRITICAL PERIOD COVERAGE"; CLARIFY THE APPROPRIATE REFUND OF PREMIUMS METHOD WHEN A POLICY OR GROUP CERTIFICATE IS TERMINATED PRIOR TO THE SCHEDULED MATURITY DATE OF THE SUBJECT DEBT; ALLOW CREDIT CARD COVERAGE FROM OUT-OF-STATE FINANCIAL INSTITUTIONS; PROVIDE THAT INSURERS MUST ACKNOWLEDGE TO THE CLAIMANT ANY CLAIMS NOT PAID WITHIN THIRTY DAYS; CLARIFY THAT INSURERS CAN REQUIRE REGISTRATION WITH THE STATE UNEMPLOYMENT OFFICE AND PROVISION OF AN OFFICIAL STATE UNEMPLOYMENT OFFICE DECISION LETTER REGARDING THE CLAIM TO QUALIFY FOR CREDIT UNEMPLOYMENT INSURANCE BENEFITS UNDER THE POLICY BUT CANNOT IMPOSE A TIME LIMIT ON THAT REGISTRATION; AND PROVIDE THE COMMISSIONER OF INSURANCE WITH THE AUTHORITY TO ENFORCE THE LAWS GOVERNING CREDIT INSURANCE CONSISTENT WITH THE COMMISSIONER'S GENERAL ENFORCEMENT AUTHORITY AS SET FORTH IN CHAPTER 58 OF THE GENERAL STATUTES.

Upon motion of Senator Dalton, the President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 654 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 673 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT, TO REQUIRE THE COMMISSIONER OF INSURANCE TO REPORT WHETHER CONTINUED PARTICIPATION BY THIS STATE IN THE COMPACT IS IN THE BEST INTEREST OF THE CITIZENS AND POLICYHOLDERS OF THIS STATE, AND TO PROVIDE A SUNSET FOR PARTICIPATION IN THE COMPACT.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 804 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ORDER OF PAYMENT OF A CLAIM FOR EQUITABLE DISTRIBUTION UNDER THE LAWS RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

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H.B. 923 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING POSTSEPARATION SUPPORT.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1032 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR.

The Senate Committee Substitute bill passes its third reading (41-7) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 653 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CREDIT INSURANCE LAWS TO DEFINE "CRITICAL PERIOD COVERAGE"; CLARIFY THE APPROPRIATE REFUND OF PREMIUMS METHOD WHEN A POLICY OR GROUP CERTIFICATE IS TERMINATED PRIOR TO THE SCHEDULED MATURITY DATE OF THE SUBJECT DEBT; ALLOW CREDIT CARD COVERAGE FROM OUT-OF-STATE FINANCIAL INSTITUTIONS; PROVIDE THAT INSURERS MUST ACKNOWLEDGE TO THE CLAIMANT ANY CLAIMS NOT PAID WITHIN THIRTY DAYS; CLARIFY THAT INSURERS CAN REQUIRE REGISTRATION WITH THE STATE UNEMPLOYMENT OFFICE AND PROVISION OF AN OFFICIAL STATE UNEMPLOYMENT OFFICE DECISION LETTER REGARDING THE CLAIM TO QUALIFY FOR CREDIT UNEMPLOYMENT INSURANCE BENEFITS UNDER THE POLICY BUT CANNOT IMPOSE A TIME LIMIT ON THAT REGISTRATION; AND PROVIDE THE COMMISSIONER OF INSURANCE WITH THE AUTHORITY TO ENFORCE THE LAWS GOVERNING CREDIT INSURANCE CONSISTENT WITH THE COMMISSIONER'S GENERAL ENFORCEMENT AUTHORITY AS SET FORTH IN CHAPTER 58 OF THE GENERAL STATUTES, temporarily displaced earlier.

Upon motion of Senator Dalton, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, July 6.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Derek Baldy, Raleigh; Jairus I. Barnes, Goldsboro; Andrew Hunter Barrett, Holly Springs; John Hunter Bratton, Raleigh; Karoline Olivia Briggs, Raleigh; Mark Justin Davis, Rocky Mount; Sydney Elizabeth Deal, Newton; James B. Gullede, Raleigh; Laurie Hill, Fuquay-Varina; Casey Campbell Howell, Manteo; Haley Michelle Huggins, Gastonia; Wilson Craig Koontz, Lexington; Michael McMillian, Sanford; Thomas O. Moore IV, Winston-Salem; Shelton Morgan, Elizabeth City; Thomas Earl Rhodes, Jr., Goldsboro; Eric Levon Setzer, Newton; Jordan Nicole Setzer, Newton; Shana D. Simpson, Greensboro; Katherine Sumner, Gastonia; Julia Renee Taylor, Chapel Hill; Matthew Tyler Woodlief, Catawba; and Michael Wright, Ellenboro.

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Upon motion of Senator Basnight, seconded by Senator Dorsett, the Senate adjourns subject to reading of messages from the House of Representatives and an Executive Order, to meet tomorrow, July 6, at 2:00 P.M.

EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows (*See Appendix.*):

Executive Order Number 77, Teacher Advisory Committee.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 679 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 6, for concurrence.

S.B. 776 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 6, for concurrence.

S.B. 778 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES, AND TO PROVIDE THAT A PERSON LICENSED BY THE PRIVATE PROTECTIVE SERVICES BOARD AS AN ARMED SECURITY GUARD WHO ALSO HAS AN ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT IS DEEMED TO HAVE SATISFIED THE APPROVED FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 6, for concurrence.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:53 P.M.

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NINETY-THIRD DAY

Senate Chamber
Wednesday, July 6, 2005

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 Kimball, Raleigh, North Carolina as follows:

"God of our past, who has sustained us from one generation to the next, God of our future who holds our days to come in the safety of Your hand, God of this present hour, we give you thanks. You have been our guide, our sustainer and our strength. Be with the women and men gathered here today. Grant them your wisdom, your strength and your peace as they make decisions that will guide our great State. Strengthen our commitment, renew our vision and deepen our faith. Hear this prayer, O God, from your people. Hear this prayer, O God, to be your people. Amen."

The Chair grants a leave of absence for today to Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, July 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Cheryl Batchelor from Pinehurst, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE, with a favorable report.

H.B. 329 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY FOR THOSE WHO PARTICIPATE IN AGRITOURISM ACTIVITIES, 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 50472, which changes the title upon concurrence to read **H.B. 329** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY ARISING FROM CERTAIN AGRITOURISM ACTIVITIES, is adopted and engrossed.

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H.B. 1297 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR ANY VOLUNTEER WHO SERVES IN A MEDICAL RESERVE CORPS UNIT OR ON A COMMUNITY EMERGENCY RESPONSE TEAM WHILE ENGAGED IN PROVIDING EMERGENCY SERVICES, 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 30339, is adopted and engrossed.

H.B. 1434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE, FOR SERVICE OF PROCESS UPON A NATURAL PERSON OR FOR PROOF OF PERSONAL SERVICE UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE, CERTAIN ELECTRONIC SIGNATURE CONFIRMATION, 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 10377, which changes the title to read **H.B. 1434** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SERVICE OF PROCESS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE BY SIGNATURE CONFIRMATION, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

H.B. 1059 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT INACCURACIES IN THE USE OF CERTAIN TERMS IN THE GENERAL STATUTES PERTAINING TO THE ADMINISTRATION OF A SCHOOL HEALTH EDUCATION PROGRAM, with a favorable report.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

H.B. 1280 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE GENERAL ASSEMBLY ON STRATEGIES TO BEST UTILIZE FEDERAL FUNDS FOR RAIL IMPROVEMENTS SUCH AS SERVICE TO WESTERN AND SOUTHEASTERN NORTH CAROLINA AND RESTORATION OF THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR, 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 60506, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 392 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS, with a favorable report.

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H.B. 1500 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND TO AMEND THE LAW CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, 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 10378, which changes the title upon concurrence to read **H.B. 1500** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT, THE LAW CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, AND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS, is adopted and engrossed.

By Senator Kinnaird for the **Mental Health & Youth Services Committee**:

H.B. 1635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOMEMAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 11, AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS.

H.B. 673, AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT, TO REQUIRE THE COMMISSIONER OF INSURANCE TO REPORT WHETHER CONTINUED PARTICIPATION BY THIS STATE IN THE COMPACT IS IN THE BEST INTEREST OF THE CITIZENS AND POLICYHOLDERS OF THIS STATE, AND TO PROVIDE A SUNSET FOR PARTICIPATION IN THE COMPACT.

H.B. 804, AN ACT TO AMEND THE ORDER OF PAYMENT OF A CLAIM FOR EQUITABLE DISTRIBUTION UNDER THE LAWS RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES.

H.B. 923, AN ACT AMENDING THE LAWS REGULATING POSTSEPARATION SUPPORT.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

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S.B. 392, AN ACT AMENDING THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO SELL PERSONAL UNIFORMS AND EQUIPMENT TO PUBLIC SAFETY EMPLOYEES UPON THE EMPLOYEES LEAVING THE CITY'S EMPLOYMENT AND AS IT RELATES TO CERTAIN PURCHASES AND LEASES OF REAL PROPERTY BY CITY EMPLOYEES.

S.B. 463, AN ACT REPEALING THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE AND TO MAKE THE AUTHORITY APPLY TO ADDITIONAL PROPERTY.

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. 88, AN ACT REPEALING THE APPLICABILITY OF CERTAIN MOTOR VEHICLE LAWS ON PROPERTIES OWNED OR UNDER THE CONTROL OF THE BENT TREE PLANTATION HOMEOWNERS ASSOCIATION IN BRUNSWICK COUNTY. (Became law upon ratification, July 5, 2005 - S.L. 2005-147.)

S.B. 689, AN ACT TO CLARIFY THAT THE CLERK OF SUPERIOR COURT IS RESPONSIBLE FOR PROVIDING COPIES OF THE TRIAL FILE TO APPOINTED APPELLATE COUNSEL IN INDIGENT CASES. (Became law upon approval of the Governor, July 5, 2005 - S.L. 2005-148.)

S.B. 321, AN ACT TO ALLOW PERSONS SEVENTY-TWO AND OLDER REQUESTING TO BE EXCUSED FROM JURY DUTY TO REQUEST AN EXEMPTION FROM JURY SERVICE. (Became law upon approval of the Governor, July 5, 2005 - S.L. 2005-149.)

S.B. 512, AN ACT TO PROHIBIT THE PRACTICE OF CONDITIONING THE PROVISION OF WATER OR SEWER SERVICES UPON AGREEING TO BE SUPPLIED WITH ELECTRICITY, TO PRESERVE THE CORRIDOR SERVICE RIGHTS OF ELECTRIC SUPPLIERS OUTSIDE CITIES FROM BEING LOST OR DILUTED DUE TO EXTRATERRITORIAL SERVICES BY CITIES, AND TO ADDRESS OTHER ELECTRIC TERRITORY ISSUES. (Became law upon approval of the Governor, July 5, 2005 - S.L. 2005-150.)

S.B. 821, AN ACT PERMITTING THE ROUTING OF SCHOOL BUSES ON CERTAIN STREETS DESIGNATED AS PUBLIC. (Became law upon approval of the Governor, July 5, 2005 - S.L. 2005-151.)

H.B. 355, AN ACT TO RESTRICT THE USE OF RED AND BLUE LIGHTS ON VEHICLES. (Became law upon approval of the Governor, July 5, 2005 - S.L. 2005-152.)

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H.B. 371, AN ACT DESIGNATING THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE AS NORTH CAROLINA'S HISTORICALLY AMERICAN INDIAN UNIVERSITY. (Became law upon approval of the Governor, July 5, 2005 - S.L. 2005-153.)

H.B. 403, AN ACT TO AMEND THE LAW REGARDING THE PURCHASE OF THE PRELIMINARY SCHOLASTIC APTITUDE TEST (PSAT) FOR THE PUBLIC SCHOOLS. (Became law upon approval of the Governor, July 5, 2005 - S.L. 2005-154.)

H.B. 404, AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT. (Became law upon approval of the Governor, July 5, 2005 - S.L. 2005-155.)

H.B. 740, AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYERS OF PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES WHO ARE SUBJECT TO FEDERAL DRUG AND ALCOHOL TESTING TO REPORT TO THE DIVISION OF MOTOR VEHICLES ANY FEDERALLY REQUIRED POSITIVE DRUG AND ALCOHOL TEST RESULT, AND TO DISQUALIFY THOSE PERSONS FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR OTHER PUBLIC TRANSIT VEHICLES UNTIL SUCCESSFUL COMPLETION OF TREATMENT. (Became law upon approval of the Governor, July 5, 2005 - S.L. 2005-156.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 653 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CREDIT INSURANCE LAWS TO DEFINE "CRITICAL PERIOD COVERAGE"; CLARIFY THE APPROPRIATE REFUND OF PREMIUMS METHOD WHEN A POLICY OR GROUP CERTIFICATE IS TERMINATED PRIOR TO THE SCHEDULED MATURITY DATE OF THE SUBJECT DEBT; ALLOW CREDIT CARD COVERAGE FROM OUT-OF-STATE FINANCIAL INSTITUTIONS; PROVIDE THAT INSURERS MUST ACKNOWLEDGE TO THE CLAIMANT ANY CLAIMS NOT PAID WITHIN THIRTY DAYS; CLARIFY THAT INSURERS CAN REQUIRE REGISTRATION WITH THE STATE UNEMPLOYMENT OFFICE AND PROVISION OF AN OFFICIAL STATE UNEMPLOYMENT OFFICE DECISION LETTER REGARDING THE CLAIM TO QUALIFY FOR CREDIT UNEMPLOYMENT INSURANCE BENEFITS UNDER THE POLICY BUT CANNOT IMPOSE A TIME LIMIT ON THAT REGISTRATION; AND PROVIDE THE COMMISSIONER OF INSURANCE WITH THE AUTHORITY TO ENFORCE THE LAWS GOVERNING CREDIT INSURANCE CONSISTENT WITH THE COMMISSIONER'S GENERAL ENFORCEMENT AUTHORITY AS SET FORTH IN CHAPTER 58 OF THE GENERAL STATUTES.

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The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 737 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED, LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS FOR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO FIVE; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; AMEND THE UTILIZATION REVIEW LAWS TO CLARIFY THAT SUCH LAWS PLAINLY APPLY TO INDIVIDUAL INSURANCE COVERAGE AS WELL AS GROUP COVERAGE; TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; ENSURE THAT COVERED PERSONS RECEIVING EXTERNAL REVIEW KNOW WHAT INFORMATION THEIR INSURER PROVIDES TO THE EXTERNAL REVIEW ORGANIZATION PERFORMING THE REVIEW; AND ELIMINATE EXTERNAL REVIEW OUTSIDE OF NORMAL BUSINESS HOURS.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1221 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN DOMESTIC CHILD CUSTODY ACTIONS.

The Senate Committee Substitute bill passes its second reading (48-1).

Senator Pittenger objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, July 7, upon third reading.

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H.B. 1236 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPLACE THE ALLIANCE OF AMERICAN INSURERS AND NATIONAL ASSOCIATION OF INDEPENDENT INSURERS WITH THE PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA AND ONE INSURER FROM THE INDUSTRY AT LARGE SELECTED BY THE INSURER COMPANY MEMBERS OF THE BOARD AS TRADE ASSOCIATION MEMBERS WHICH MUST BE REPRESENTED ON THE BOARD OF GOVERNORS OF THE NORTH CAROLINA REINSURANCE FACILITY.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1469 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, July 7.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1164, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TABOR CITY ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on March 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, July 13, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, July 13.

CALENDAR *(continued)*

H.B. 1332 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES.

The Senate Committee Substitute bill passes its second reading (48-1).

Senator Kinnaird objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, July 7, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 577 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE, referred to the **Education/Higher Education Committee** on June 2.

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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**.

WITHDRAWAL FROM CALENDAR

H.B. 1059 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT INACCURACIES IN THE USE OF CERTAIN TERMS IN THE GENERAL STATUTES PERTAINING TO THE ADMINISTRATION OF A SCHOOL HEALTH EDUCATION PROGRAM.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from the Calendar of July 7 and is re-referred to the **Education/Higher Education Committee**.

CALENDAR *(continued)*

S.B. 679 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

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.

S.B. 776 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Snow, the Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Snow offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 778 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES, AND TO PROVIDE THAT A PERSON LICENSED BY THE PRIVATE PROTECTIVE SERVICES BOARD AS AN ARMED SECURITY GUARD WHO ALSO HAS AN ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT IS DEEMED TO HAVE SATISFIED THE APPROVED FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT.

Upon motion of Senator Snow, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, July 7.

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APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 776 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 776 earlier today and the motion by Senator Snow to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Snow, Chair; Senator Hartsell; Senator Nesbitt and Senator Thomas as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns at 2:55 P.M. to meet tomorrow, July 7, at 11:00 A.M.

NINETY-FOURTH DAY

Senate Chamber
Thursday, July 7, 2005

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 Kimball, Raleigh, North Carolina as follows:

"Loving God, calm the frantic beatings of our hearts, smooth the wrinkled lines of our brows. Help us to be still that we may be open in this moment to your peace that passes all understanding. God, we come to you this hour with images of yet another terrorist attack fresh in our minds. We shout, 'Not Again' as this tragedy touches each of us in an all too familiar way. We feel deeply the shock and despair of our neighbors across the sea, and yet this is not just an attack on the United Kingdom but on each of us as we bear witness to man's inhumanity to man. We are only comforted in knowing that you are already there with the men, women, children and families whose lives have been changed forever. Make your presence known to them in a very real way. Surround all of our service personnel as they continue to secure our safety around the globe. Guide the decisions of our world leaders as they work together for peace. Be with our Senators as they carry out the tasks ahead of them this day. Make your presence real to them. Guide them as they make wise, informed

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choices for those whom they represent. In the quiet stillness of this busy day, we offer our prayers to you, O God, our prayers for peace. Amen."

The Chair grants a leave of absence for today to Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, 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 privileges of the floor to Dr. John Mangum from Sanford, North Carolina, who is serving the Senate as Doctor of the Day, and to Rachel Manriquez from Fuquay-Varina, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 268, AN ACT TO ENACT "AEDIN'S LAW" TO DIRECT THE COMMISSIONER OF AGRICULTURE TO ADOPT RULES ESTABLISHING PERMITTING AND SANITATION REQUIREMENTS FOR ANIMAL EXHIBITIONS.

S.B. 316, AN ACT TO MAKE PERMANENT A TEMPORARY ACT THAT PROVIDED THAT GASOLINE THAT MEETS FEDERAL REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE SHALL BE DEEMED TO COMPLY WITH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE.

S.B. 566, AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM.

S.B. 630, AN ACT TO MODIFY THE STATUTES GOVERNING RESIDENTIAL SCHOOLS TO MAKE THEIR ACCOUNTABILITY SYSTEM AND THEIR SCHOOL IMPROVEMENT PLANS LIKE THOSE OF OTHER PUBLIC SCHOOLS, AND TO MAKE OTHER TECHNICAL OR CONFORMING CHANGES TO THOSE STATUTES.

S.B. 679, AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA.

S.B. 981, AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION: (1) TO STUDY WATER QUALITY IN DRINKING WATER SUPPLY RESERVOIRS IN THE STATE, (2) TO ADOPT NUTRIENT CONTROL CRITERIA FOR DRINKING WATER SUPPLY RESERVOIRS, (3) TO DEVELOP

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AND IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS THAT ARE IMPAIRED OR THAT MAY BECOME IMPAIRED WITHIN FIVE YEARS, (4) NOT TO MAKE ANY NEW OR INCREASED NUTRIENT LOADING ALLOCATION TO ANY IMPAIRED DRINKING WATER SUPPLY RESERVOIR UNTIL RULES TO IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR THAT RESERVOIR BECOME EFFECTIVE, AND (5) TO REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION ON PROGRESS IN DEVELOPING AND IMPLEMENTING NUTRIENT MANAGEMENT STRATEGIES FOR DRINKING WATER SUPPLY RESERVOIRS WITH IMPAIRED WATER QUALITY.

H.B. 288, AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A MOTOR VEHICLE SHALL DO UPON APPROACH OF AN EMERGENCY VEHICLE.

H.B. 653, AN ACT TO MAKE CHANGES TO THE CREDIT INSURANCE LAWS TO DEFINE "CRITICAL PERIOD COVERAGE"; CLARIFY THE APPROPRIATE REFUND OF PREMIUMS METHOD WHEN A POLICY OR GROUP CERTIFICATE IS TERMINATED PRIOR TO THE SCHEDULED MATURITY DATE OF THE SUBJECT DEBT; ALLOW CREDIT CARD COVERAGE FROM OUT-OF-STATE FINANCIAL INSTITUTIONS; PROVIDE THAT INSURERS MUST ACKNOWLEDGE TO THE CLAIMANT ANY CLAIMS NOT PAID WITHIN THIRTY DAYS; CLARIFY THAT INSURERS CAN REQUIRE REGISTRATION WITH THE STATE UNEMPLOYMENT OFFICE AND PROVISION OF AN OFFICIAL STATE UNEMPLOYMENT OFFICE DECISION LETTER REGARDING THE CLAIM TO QUALIFY FOR CREDIT UNEMPLOYMENT INSURANCE BENEFITS UNDER THE POLICY BUT CANNOT IMPOSE A TIME LIMIT ON THAT REGISTRATION; AND PROVIDE THE COMMISSIONER OF INSURANCE WITH THE AUTHORITY TO ENFORCE THE LAWS GOVERNING CREDIT INSURANCE CONSISTENT WITH THE COMMISSIONER'S GENERAL ENFORCEMENT AUTHORITY AS SET FORTH IN CHAPTER 58 OF THE GENERAL STATUTES.

H.B. 1346, AN ACT TO ENACT THE INTERSTATE COMPACT FOR JUVENILES.

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. 392, AN ACT AMENDING THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO SELL PERSONAL UNIFORMS AND

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EQUIPMENT TO PUBLIC SAFETY EMPLOYEES UPON THE EMPLOYEES LEAVING THE CITY'S EMPLOYMENT AND AS IT RELATES TO CERTAIN PURCHASES AND LEASES OF REAL PROPERTY BY CITY EMPLOYEES. (Became law upon ratification, July 6, 2005 - S.L. 2005-157.)

S.B. 463, AN ACT REPEALING THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE AND TO MAKE THE AUTHORITY APPLY TO ADDITIONAL PROPERTY. (Became law upon ratification, July 6, 2005 - S.L. 2005-158.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 392 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS.

Upon motion of Senator Kerr, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

H.B. 329 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT LIABILITY ARISING FROM CERTAIN AGRITOURISM ACTIVITIES.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1280 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE GENERAL ASSEMBLY ON STRATEGIES TO BEST UTILIZE FEDERAL FUNDS FOR RAIL IMPROVEMENTS SUCH AS SERVICE TO WESTERN AND SOUTHEASTERN NORTH CAROLINA AND RESTORATION OF THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR.

Senator Horton offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1297 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR ANY VOLUNTEER WHO SERVES IN A MEDICAL RESERVE CORPS UNIT OR ON A COMMUNITY EMERGENCY RESPONSE TEAM WHILE ENGAGED IN PROVIDING EMERGENCY SERVICES.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 12.

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H.B. 1466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 12.

H.B. 1469 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY.

Upon motion of Senator Soles, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 12.

H.B. 1434 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SERVICE OF PROCESS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE BY SIGNATURE CONFIRMATION

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 655 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; AND REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 13.

H.B. 1500 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT, THE LAW CONCERNING COMMUNITY COLLEGE VITICULTURE/ ENOLOGY PROGRAMS, AND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS.

Senator Rand offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (44-5) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1221 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN DOMESTIC CHILD CUSTODY ACTIONS.

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Senator Pittenger offers Amendment No. 1 which fails of adoption (23-26).

Senator Snow offers Amendment No. 2 which is adopted (48-1).

The Senate Committee Substitute bill, as amended, passes its second (43-6) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1332 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES.

The Senate Committee Substitute bill passes its third reading (47-2) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 778 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES, AND TO PROVIDE THAT A PERSON LICENSED BY THE PRIVATE PROTECTIVE SERVICES BOARD AS AN ARMED SECURITY GUARD WHO ALSO HAS AN ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT IS DEEMED TO HAVE SATISFIED THE APPROVED FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Snow, the Senate concurs in the House Committee Substitute bill (47-2) and the measure is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 344, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 185, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGISTERED BUSINESSES THAT REPLACE WINDSHIELDS MAY OBTAIN REPLACEMENT INSPECTION STICKERS WITHOUT PAYING THE STICKER FEES, with a favorable report.

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H.B. 896, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE STATE BAR WITH AN APPEAL OF RIGHT FROM FINAL ORDERS OF THE DISCIPLINARY HEARING COMMISSION AND TO INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL MEMBERSHIP FEES FOR MEMBERS OF THE STATE BAR, 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 50474, is adopted and engrossed.

S.B. 327 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK, 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, 65351, is adopted and engrossed.

H.B. 1117 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE 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 70533, which changes the title upon concurrence to read **H.B. 1117** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS AND TO AUTHORIZE PUBLIC HOSPITAL AUTHORITIES TO GRANT MORTGAGES TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT, is adopted and engrossed.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 217 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES.

Pursuant to the message from the House of Representatives received on June 29 that the House fails to concur in the Senate Committee Substitute bill for H.B. 217 and requests conferees, Senator Hagan offers a motion that the Senate appoint conferees which motion prevails.

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hagan, Chair; Senator Berger of Rockingham; Senator Cowell and Senator Graham 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.

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Upon motion of Senator Basnight, seconded by Senator Goodall, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Monday, July 11, at 7:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 6, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 776**, A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION, and requests conferees, Speaker *Pro Tempore* Morgan appoints:

Representative Harrell, Chair
Representative Ross
Representative Stiller, and
Representative Hackney

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 6, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1059**, A BILL TO BE ENTITLED AN

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ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, and requests conferees, Speaker Black appoints:

Representative England, Chair
Representative Wright
Representative Nye
Representative Gibson
Representative Brubaker
Representative Hollo, and
Representative Alexander

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 340 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE; TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION; AND TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF ROANOKE RAPIDS IN THE CONSTRUCTION OF THEATER PROJECTS IN ITS MUSIC THEATER AND ENTERTAINMENT DISTRICT, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for Monday, July 11, for concurrence.

S.B. 532 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AGGRAVATE THE PENALTY FOR THE LARCENY, POSSESSION, OR RECEIVING OF GOODS VALUED AT MORE THAN THREE HUNDRED DOLLARS FROM A PERMITTED CONSTRUCTION SITE, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for Monday, July 11, for concurrence.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:08 P.M.

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NINETY-FIFTH DAY

Senate Chamber
Monday, July 11, 2005

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 Kimball, Raleigh, North Carolina as follows:

"Have mercy, O God, have mercy upon us today. Without you our hearts are empty and our bones ache. Without your presence we fall apart. Rebuild us, Holy God, rebuild all the broken places in the world, in our homes, and in our hearts. May your steadfast love wash over the earth. May your Holy Spirit refresh every broken spirit. May your wisdom teach us the power of joy. Rebuild us with mercy, we pray. Guide the work of these Senators this day and this hour. Amen."

The Chair grants leaves of absence for tonight to Senator Boseman and Senator Hagan.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, 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 Pro Tempore of the Senate extends privileges of the floor to Dr. Michael Brennan from Burlington, North Carolina, who is serving the Senate as Doctor of the Day, and to Betsy Gidley from Greenville, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWAL FROM COMMITTEE

H.J.R. 198, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MILTON F. FITCH, SR., AND CORA WHITTED FITCH, DISTINGUISHED CITIZENS AND CIVIL RIGHTS ACTIVISTS, referred to the **Rules and Operations of the Senate Committee** on May 10.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on tonight's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on tonight's Calendar.

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 128 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING OFFICIAL STATE DANCES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 12, for concurrence.

S.B. 335 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 12, for concurrence.

S.B. 1126 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2007, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, July 12, for concurrence.

S.B. 1134 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, TO DETERMINE WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL

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WARMING POLLUTANT REDUCTION GOAL AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO DEVELOP A RECOMMENDED GOAL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 12, for concurrence.

H.B. 1084 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES.

Referred to the **Rules and Operations of the Senate Committee.**

CALENDAR

Bills and a joint resolution on tonight's Calendar are taken up and disposed of, as follows:

S.B. 340 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE; TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION; AND TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF ROANOKE RAPIDS IN THE CONSTRUCTION OF THEATER PROJECTS IN ITS MUSIC THEATER AND ENTERTAINMENT DISTRICT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Holloman, the Senate concurs in the House Committee Substitute bill (45-0) and the bill ordered enrolled.

H.B. 1117 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS AND TO AUTHORIZE PUBLIC HOSPITAL AUTHORITIES TO GRANT MORTGAGES TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and placed on the Calendar for tomorrow, July 12.

S.B. 185, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGISTERED BUSINESSES THAT REPLACE WINDSHIELDS MAY OBTAIN REPLACEMENT INSPECTION STICKERS WITHOUT PAYING THE STICKER FEES.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 327 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE

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NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK.

The Committee Substitute bill No. 2 passes its second reading (46-0).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, July 12, upon third reading.

H.B. 896 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE STATE BAR WITH AN APPEAL OF RIGHT FROM FINAL ORDERS OF THE DISCIPLINARY HEARING COMMISSION AND TO INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL MEMBERSHIP FEES FOR MEMBERS OF THE STATE BAR.

The Senate Committee Substitute bill passes its second (32-15) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.J.R. 198, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MILTON F. FITCH, SR., AND CORA WHITTED FITCH, DISTINGUISHED CITIZENS AND CIVIL RIGHTS ACTIVISTS, placed earlier on tonight's Calendar.

Upon motion of Senator Holloman, the joint resolution is read in its entirety and, upon motion of Senator Lucas, the remarks of the Senators are spread upon the Journal, as follows:

Senator Holloman:

“Thank you, Mr. President. It is a great privilege tonight that I stand before you to support this resolution. I met Milton Fitch, Sr. in 1977 when I became the first ... Grand Master of the State of North Carolina at age twenty-one. Milton Fitch, Sr. was a person who was supportive of me and others who were trying to make a difference as young people in North Carolina. It was under Grand Master Will B. Clement from Durham, North Carolina. I worked very closely with Milton Fitch, Sr. when he was appointed CCFC Officer for North Carolina which had done communications for the Masons worldwide. It was through this relationship that I came to know him and saw him to be a people person and a man that really wanted to make a difference, not only for his county, his State, but the Nation. He was a man that was very courageous, a very intelligent man and he didn't mind standing and speaking for the truth regardless of who heard it, who liked him and who didn't like him. Milton Fitch, Sr. believed in standing for weak people and small people and I believe that's where his son, Toby, who served in the House for so many years received so much of his stubbornness from his father because when his father put his foot down he meant something. He would stand on it if he had to stand by himself. Milton would speak out and was a man that would stand up for those who couldn't stand for themselves and that's what I admired about him. Even in the grand lodge of North Carolina, many times we would be debating issues and Milton would stand against the Grand Master himself when he believed an issue to be right for all the

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people of North Carolina and the world. Milton Fitch, Sr., I want to tell you this evening that he has left his footprint in the sands of this world. He is a man that we need to emulate in so many positive ways for the changes that he stood for and the difference that he made in this world. His wife was a loving wife and supporting wife and a great mother and tonight we are very honored to have the family with us in the gallery: Milton F. Fitch, Jr., former House member and now Superior Court Judge; Dr. Christine Fitch, Professor at East Carolina University; Patricia Fitch Ambrose, Attorney; and Billy Haze, friend. I ask for your support in this House Joint Resolution 198 for a great man and a great woman that have been a legacy for our Country and our world. Thank You.”

Senator Swindell:

“Ladies and gentlemen of the Senate, it is not often that we celebrate the life of people in a Joint Resolution for a husband and wife team. In fact, I can’t think of any right off hand since I’ve been in the Senate. Not only did I know Mr. Milton and Mrs. Cora very well as Mr. Toby, my friend upstairs there knows, but I was also at both of their funerals, 1987 and 1995. I attended many events throughout Wilson and Wilson County back in the early eighties even that were designed to honor these people, Mrs. Cora as a County Commissioner and as an educator and Mr. Milton, as well as Mrs. Cora, for the work they did on Civil Rights. They always fought for the people who could not help themselves and I remember very vividly as I heard Reverend Holloman talking then that the one thing about the both of them is that they were straight shooters. They did not talk circles, they did not talk in waves, they told you the way it was. So it doesn’t take much understanding to know where Toby got it from. But his parents were not only great leaders in Wilson and Wilson County as Reverend Holloman said, but their footprints are all across probably the Country as well as Eastern North Carolina for sure and I recommend this Resolution to you for consideration.”

Senator Dannelly:

“Thank you, Mr. President. Ladies and gentlemen of the Senate, it was quite sometime before I met Milton Fitch, Sr. It came about in an unusual way. The first Fitch that I met in person, even though the name was well recognized over the State, was Jerome, but we called him Jerry down at Johnson C. Smith University when Jerry was one of the assistant football and basketball coaches and if I had another hour then I could go into Jerry and my ... while he was down at Johnson C. Smith. He was a very astute and fun-loving young man, but he loved his family dearly so I heard those names, Milton and Cora, many times. When I met Mr. Fitch, and that is what I called him, Mr. Fitch, the first time was at an ACC Tournament in Charlotte. Toby brought his Dad down to see the tournament in the new Charlotte Coliseum and when I looked at this giant of a man, a little fear came over me because he would look at you, straight through you. You knew that this was a man’s kind of man. And when I came up here to serve in the Senate, I met him again. Toby invited the Legislative Black Caucus over to their place in Wilson for a little cookout and so I went and there was this giant of a man sitting by the bathing pool just surveying the young bucks, us,

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that he helped get where we are. We are sitting and standing on his shoulders. He had to be a great man because he and I were in an organization, the Prince Hall Masons. I didn't reach his level, but the principles that the Prince Hall Masons instilled in their members were paramount in Mr. Fitch's life. I will say to you, ladies and gentlemen, please support this resolution."

Senator Rand:

"Thank you, Mr. President, and ladies and gentlemen of the Senate. If you lived in Eastern North Carolina and you were aware of what was going on in that part of the world, you knew the Fitch family and you knew what it stood for and you knew the kind of things they did to make our State a better place. It is an amazing family that has done so much for North Carolina and continues to do the things that I know make those that came before them proud and make all of us proud of the accomplishments of a family that has done so much for so many people. It was my pleasure to meet Mr. Fitch, I don't think I ever met Mrs. Fitch, but to meet Mr. Fitch and he was a compelling personality, I guess you would say, and he certainly passed that on to the other members of his family. We are most fortunate to have had someone of the quality and the character of the Fitch family to help North Carolina through a difficult period in its history and continue to add so much to everything we do to this day. Thank you, Mr. President."

Senator Basnight:

"Members of the Senate, I certainly know the Fitch family as all of us do and what their contributions have meant to society and people and those of us who do not remember our past as well as we should or understand it as we are taught. As Senator Dannelly said, many people stood on those shoulders of Cora and Milton Fitch as they worked hard to make wrongs right. There was a sad chapter in our history in America, one over which much blood was lost, one which was wrong and all of us here know that to be so. He made what was wrong right and many people through that period of time did not like the Fitch family because there was a story being told that was harmful and hurt. It hurt all people, black and white. Why the struggle over the differences of a color of a skin, it's beyond all of us. I can't comprehend it, I can't understand it. I guess maybe I would have been a part of that argument as well. I would hope not. Toby, to you and your family, I didn't realize that your dad was such a wonderful soldier in fighting for the freedoms that he didn't have and the freedoms that our Country had fought for so many times. The very documents that make this Country different than any other country when it was originally written spoke of being equal, the document of words from which we were founded and of which we are instructed today did not give equality to all people. It certainly said so, but it was not offered. That's why Milton Fitch had to march and had to preach so that the documents spoke for all people, not just one color. It's a bit interesting to see that the changes that they had to help happen were all centered around race with the exception, from what I can read in this Joint Resolution, that they were able to educate their children as all of us want our children educated. The many appropriations, the arguments, the debates, the differences that are found on how to educate children for success, if we could only take a page out of their book. It's kind of interesting, too, and I guess it has

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to be for all of us and be a bit painful to read about how a man had to stand and fight for the right to be a letter carrier, to work for the postal system in Wilson, North Carolina. But he couldn't do it because he was black. And he had to convince people that all people should have a place for all veterans, regardless of their station in life and he had to play a role in convincing the Wilson County Government that poor people, poor veterans should lie in peace in the Rest Haven Cemetery. Then his wife had to work to create the first African-American Girl Scout Troop. To me it is always a bit painful to relive these chapters of our past, but it is also rewarding to stand here and listen to what a man did to make a change. We all should feel proud that we have a chance to vote on this House Joint Resolution."

The joint resolution passes its second reading (47-0) and third reading with members standing, and is ordered enrolled.

S.B. 532 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AGGRAVATE THE PENALTY FOR THE LARCENY, POSSESSION, OR RECEIVING OF GOODS VALUED AT MORE THAN THREE HUNDRED DOLLARS FROM A PERMITTED CONSTRUCTION SITE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Berger of Rockingham, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 666, AN ACT TO ALLOW ATTORNEYS' FEES TO BE AWARDED TO THE PREVAILING PARTY IN AN ACTION TO ENFORCE PROVISIONS OF THE ARTICLES OF INCORPORATION, DECLARATION, BYLAWS, OR RULES OF A PLANNED COMMUNITY CREATED PRIOR TO JANUARY 1, 1999, IF RECOVERY OF ATTORNEYS' FEES IS ALLOWED IN THE DECLARATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

S.B. 667, AN ACT TO VALIDATE CERTAIN SUBORDINATION AGREEMENTS AND TO CLARIFY THE LAW ON THE PRIORITY OF INSTRUMENTS REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

S.B. 778, AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES, AND TO PROVIDE THAT A PERSON LICENSED BY THE PRIVATE PROTECTIVE SERVICES BOARD AS AN ARMED SECURITY GUARD WHO ALSO HAS AN ARMED SECURITY

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GUARD FIREARM REGISTRATION PERMIT IS DEEMED TO HAVE SATISFIED THE APPROVED FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT.

S.B. 879, AN ACT TO ALLOW FOR A BIDDING PREFERENCE ON STATE CONTRACTS FOR RESIDENT BIDDERS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE MAINTENANCE OF A RESIDENT BIDDER LIST.

H.B. 85, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: AIR MEDAL RECIPIENT, ALPHA PHI ALPHA FRATERNITY, ARC OF NORTH CAROLINA, AUTISM SOCIETY OF NORTH CAROLINA, BUDDY PELLETIER SURFING FOUNDATION, COASTAL CONSERVATION ASSOCIATION, COLD WAR VETERAN, CORVETTE CLUB, GUILFORD BATTLEGROUND COMPANY, MARINE CORPS LEAGUE, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NC TROUT UNLIMITED, NORTH CAROLINA AQUARIUMS, NORTH CAROLINA LIBRARIES, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, NORTH CAROLINA WILDLIFE HABITAT FOUNDATION, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHAG DANCING, SHARE THE ROAD, TARHEEL CLASSIC THUNDERBIRD CLUB, AND WATERMELON.

H.B. 563, AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, AND TO REDUCE FROM FIVE YEARS TO THREE YEARS THE LENGTH OF A PROVISIONAL TEACHING CERTIFICATE ISSUED TO A LATERAL ENTRY TEACHER.

H.B. 660, AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE FINANCIAL LAWS UNDER CHAPTER 58 OF THE GENERAL STATUTES.

H.B. 733, AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE.

H.B. 1400, AN ACT TO INCREASE THE PENALTY FOR PASSING A STOPPED SCHOOL BUS AND TO MAKE SCHOOL BUS STOPS SAFER.

The Enrolling Clerk reports the following bills and a joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 278, AN ACT TO AUTHORIZE THE FOOTHILLS REGIONAL AIRPORT AUTHORITY TO ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A CORRECTIONAL FACILITY AS PART OF THE STATE PRISON SYSTEM.

S.B. 435, AN ACT CLARIFYING THE AUTHORITY OF THE COUNTY OF DURHAM TO ENTER INTO PUBLIC-PRIVATE PROJECTS.

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H.B. 370, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS AND THE TOWNS OF LANDIS, SHALLOTTE, AND SPENCER.

S.J.R. 1172, A JOINT RESOLUTION FOR THE CONFIRMATION OF THE REAPPOINTMENT OF ROBERT V. OWENS, JR. TO THE UTILITIES COMMISSION. (Res. 39)

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. 1102, AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE BALLOTS AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES EARLIER THAN TWO O'CLOCK P.M. (Became law upon approval of the Governor, July 7, 2005 - S.L. 2005-159.)

H.B. 1503, AN ACT TO PROVIDE THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES ARE TREATED AS CITIES FOR PURPOSES OF CIVIL LIABILITY. (Became law upon approval of the Governor, July 7, 2005 - S.L. 2005-160.)

H.B. 702, AN ACT TO INCREASE THE MINIMUM AGE FOR PERSONS WHO MAY OPERATE PERSONAL WATERCRAFT IN THE STATE. (Became law upon approval of the Governor, July 7, 2005 - S.L. 2005-161.)

H.B. 1168, AN ACT TO PROHIBIT THE DECEPTIVE USE OF THE NAME OR LOGO OF A BANKING ENTITY WITHOUT PERMISSION IN THE MARKETING OF FINANCIAL PRODUCTS AND SERVICES. (Became law upon approval of the Governor, July 7, 2005 - S.L. 2005-162.)

H.B. 514, AN ACT TO PROVIDE THAT ANY MOTION FILED IN A CIVIL ACTION WHEN THE ACTION IS PENDING IN A SUPERIOR COURT OF A COUNTY THAT IS IN A SUPERIOR COURT DISTRICT CONSISTING OF MORE THAN ONE COUNTY MAY BE HEARD IN ANY SUPERIOR COURT IN THAT SUPERIOR COURT DISTRICT. (Became law upon approval of the Governor, July 7, 2005 - S.L. 2005-163.)

H.B. 1430, AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING AREA. (Became law upon approval of the Governor, July 7, 2005 - S.L. 2005-164.)

H.B. 1552, AN ACT TO EXTEND THE REGULATORY AUTHORITY OVER CAMPUS PARKING TO THE BOARD OF TRUSTEES OF NORTH CAROLINA A&T STATE UNIVERSITY. (Became law upon approval of the Governor, July 7, 2005 - S.L. 2005-165.)

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H.B. 532, AN ACT TO STREAMLINE ADOPTION PROCEDURES BY REQUIRING CONSENT FROM THOSE PERSONS WHOSE PARENTAL STATUS HAS BEEN DETERMINED. (Became law upon approval of the Governor, July 7, 2005 - S.L. 2005-166.)

S.B. 806, AN ACT TO AMEND THE LAW REGARDING MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT, MEDIATION IN DISTRICT COURT DOMESTIC CASES, AND THE REGULATION OF MEDIATORS, AS RECOMMENDED BY THE DISPUTE RESOLUTION COMMISSION. (Became law upon approval of the Governor, July 7, 2005 - S.L. 2005-167.)

H.B. 1482, AN ACT TO EXEMPT FROM THE LAW GOVERNING SMOKING RESTRICTIONS LOCAL DEPARTMENTS OF SOCIAL SERVICES AND THE BUILDINGS AND GROUNDS WHERE THEY ARE LOCATED. (Became law upon approval of the Governor, July 7, 2005 - S.L. 2005-168.)

H.B. 800, AN ACT REQUIRING VENDORS BIDDING ON STATE CONTRACTS TO DISCLOSE WHETHER SERVICES WILL BE PERFORMED OUTSIDE THE UNITED STATES. (Became law upon approval of the Governor, July 7, 2005 - S.L. 2005-169.)

H.B. 635, AN ACT TO REQUIRE AT LEAST ONE PUBLIC COMMENT PERIOD PER MONTH AT A REGULAR MEETING OF A LOCAL BOARD OF EDUCATION, COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD. (Became law without the approval of the Governor, July 11, 2005 - S.L. 2005-170.)

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Katelin MacGregor Allison, Statesville; William Atwater, Chapel Hill; Elizabeth C. Auten, Dallas; Leah McRae Ball, Weaverville; Clarence Wood Beasley IV, Colerain; Erica M. Brown, Rose Hill; Meghan Elizabeth Burris, Lincolnton; Neil M. Carmichael, Raleigh; Mary Lauren Christopher, Gastonia; Emily Dunn, Greensboro; Ali Jo Forester, Wilmington; Kara Glenn Forester, Wilmington; Whitney Carolyn Freize, Gastonia; Rebecca Ann Hilton, Statesville; Elizabeth Huber, Winston-Salem; Katherine Johnson, Goldsboro; Chelsea Byrd Lang, Raleigh; Deidre Le' Doux, Raeford; Heather Nicole Millsaps, Garner; Gage Harrison Mooring, Rutherfordton; Prateek Peres-Da-Sila, Carrboro; John L. Risoldi, Jr., Kitty Hawk; Charles Andrew Robinson, Raleigh; Kaitlyn Dodd Slight, Cary; William Tyler Thompson, Rutherfordton and Alexandra Joy Turpin, Huntersville.

Upon motion of Senator Dannelly, seconded by Senator Rand, the Senate adjourns at 7:52 P.M. to meet tomorrow, July 12, at 2:00 P.M.

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NINETY-SIXTH DAY

Senate Chamber
Tuesday, July 12, 2005

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 Kimball, Raleigh, North Carolina as follows:

"O God of steadfast love, trusting you, we devote our hearts to learning and our lives to walking. Teach us truth, that we may walk with courage. Teach us mercy, that we may walk with humility. Teach us forgiveness, that we may walk with compassion. Teach us grace, that we may walk with strength. Teach us wonder, that we may walk with praise. Teach us goodness, that we may walk with those in need. O God of steadfast love, learning from you, may we walk well. Amen."

The Chair grants a leave of absence for today to Senator Boseman and Senator Malone.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, July 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Kimberly Greenwald from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1297 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR ANY VOLUNTEER WHO SERVES IN A MEDICAL RESERVE CORPS UNIT OR ON A COMMUNITY EMERGENCY RESPONSE TEAM WHILE ENGAGED IN PROVIDING EMERGENCY SERVICES.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 20.

H.B. 1466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE.

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Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 20.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Kinnaird for the **Mental Health & Youth Services Committee**:

H.B. 661 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST, 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 30343, which changes the title upon concurrence to read **H.B. 661** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR SERIOUS NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 335 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Graham, the Senate concurs in the House Committee Substitute bill (42-6) and the measure is ordered enrolled.

H.B. 1117 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS AND TO AUTHORIZE PUBLIC HOSPITAL AUTHORITIES TO GRANT MORTGAGES TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT, upon second reading.

The Senate 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin,

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Jenkins, Kerr, Kinnaird, Lucas, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—45.

Voting in the negative: Senators Brock, East and Webster—3.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, July 13, upon third reading.

H.B. 1469 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY.

Senator Jenkins offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill No. 2, as amended, passes its second (48-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 327 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK.

The Committee Substitute bill No. 2 passes its third reading (48-0) and is ordered sent to the House of Representatives.

S.B. 1126 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2007, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS, for concurrence in the House Committee Substitute bill No. 2.

The Senate fails to concur in the House Committee Substitute bill No. 2 by roll-call vote, ayes 0, noes 48, as follows:

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Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Senator Albertson offers a motion that the Senate appoint conferees, which motion prevails.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 128 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING OFFICIAL STATE DANCES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (47-1) and the measure is ordered enrolled and sent to the Governor.

S.B. 1134 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, TO DETERMINE WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO DEVELOP A RECOMMENDED GOAL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson the Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Albertson offers a motion that the Senate appoint conferees, which motion prevails.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Purcell, the Senate adjourns subject to introduction of bills, receipt of committee reports, ratification of bills and reading of messages from the House of Representatives, to meet tomorrow, July 13, at 2:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 92 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATAUGA COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED

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AREAS OF THE COUNTY AND TO INCREASE THE FORCE ACCOUNT LIMIT FOR WATAUGA COUNTY AND THE TOWN OF BOONE FOR DEVELOPMENT OF ANNE MARIE DRIVE PARK, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 13, for concurrence.

H.B. 1051 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE CREATION OF A MACON-JACKSON REGIONAL AIRPORT AUTHORITY; TO LIMIT OPERATIONS OF SOME FIXED AND ROTARY WING AIRCRAFT; AND TO CHANGE THE MEMBERSHIP OF THE JACKSON COUNTY AIRPORT AUTHORITY.

Referred to the **Finance Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Shaw:

S.J.R. 1176, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF SIGMA GAMMA RHO SORORITY, INC.

Referred to the **Rules and Operations of the Senate Committee**.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 532, AN ACT TO AGGRAVATE THE PENALTY FOR THE LARCENY, POSSESSION, OR RECEIVING OF GOODS VALUED AT MORE THAN THREE HUNDRED DOLLARS FROM A PERMITTED CONSTRUCTION SITE.

The Enrolling Clerk reports the following bills and a joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 340, AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE; TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION; AND TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF ROANOKE RAPIDS IN THE CONSTRUCTION OF THEATER PROJECTS IN ITS MUSIC THEATER AND ENTERTAINMENT DISTRICT.

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H.B. 196, AN ACT AUTHORIZING THE CITIES OF OXFORD AND MOREHEAD CITY AND THE TOWNS OF ATLANTIC BEACH AND NEWPORT TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE MUNICIPALITIES WEEDED LOT ORDINANCES.

H.J.R. 198, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MILTON F. FITCH, SR., AND CORA WHITTED FITCH, DISTINGUISHED CITIZENS AND CIVIL RIGHTS ACTIVISTS. (Res. 40)

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. 278, AN ACT TO AUTHORIZE THE FOOTHILLS REGIONAL AIRPORT AUTHORITY TO ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A CORRECTIONAL FACILITY AS PART OF THE STATE PRISON SYSTEM. (Became law upon ratification, July 11, 2005 - S.L. 2005-171.)

S.B. 435, AN ACT CLARIFYING THE AUTHORITY OF THE COUNTY OF DURHAM TO ENTER INTO PUBLIC-PRIVATE PROJECTS. (Became law upon ratification, July 11, 2005 - S.L. 2005-172.)

H.B. 370, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS AND THE TOWNS OF LANDIS, SHALLOTTE, AND SPENCER. (Became law upon ratification, July 11, 2005 - S.L. 2005-173.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 1429 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, TO REQUIRE THE DESIGNATION OF A PRIMARY SOURCE FOR THE IMPORTATION OF WINE INTO THE STATE, TO CLARIFY THE LAW CONCERNING SPLIT-CASE FEES, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

By Senator Kerr for the **Finance Committee**:

H.B. 1004 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL GOVERNMENTS TO PLEDGE AND ENCUMBER

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HOSPITAL FACILITIES AND EQUIPMENT IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT, 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, which changes the title upon concurrence to read **H.B. 1004** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM AND TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:48 P.M.

NINETY-SEVENTH DAY

Senate Chamber
Wednesday, July 13, 2005

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 Kimball, Raleigh, North Carolina as follows:

"O God of light, the works of our hands are wonderful and amazing to see, overwhelming to imagine. The light of each day startles our eyes and awakens our souls to your presence. The darkness of each night softens our minds and frees our bodies to rest in your presence. From the outer edges of the universe to the inner reaches of our thoughts, you are there, breathing life. Before the beginning, beyond the end, you are there. Wonderful are your works. God of light, we offer you our praise this day. Amen."

The Chair grants a leave of absence for today to Senator Boseman.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, 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 privileges of the floor to Gloria Rose from Greenville, North Carolina, who is serving the Senate as Nurse of the Day.

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ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 128, AN ACT ADOPTING OFFICIAL STATE DANCES.

S.B. 552, AN ACT TO PROVIDE AN UNAUTHORIZED INSURER AGAINST WHICH AN EMERGENCY CEASE AND DESIST ORDER HAS BEEN ISSUED TO PETITION THE DEPARTMENT OF INSURANCE FOR A HEARING ON THE MATTER AND TO APPEAL THAT DECISION TO THE SUPERIOR COURT OF WAKE COUNTY.

S.B. 577, AN ACT TO CLARIFY THAT AN UNAUTHORIZED INSURER SHALL NOT OPERATE IN THIS STATE IN ITS OWN NAME OR UNDER A "DOING BUSINESS AS" DESIGNATION AS A THIRD PARTY ADMINISTRATOR.

S.B. 748, AN ACT TO AMEND THE PROCEDURE FOR IMPLEMENTING AN ORDER FOR ELECTRONIC SURVEILLANCE, TO PROVIDE THAT IN CERTAIN CIRCUMSTANCES IT IS NOT NECESSARY TO IDENTIFY THE PLACE WHERE THE COMMUNICATION WILL BE INTERCEPTED BY ELECTRONIC SURVEILLANCE, AND ALSO TO PROVIDE THE TIME FRAME WITHIN WHICH THE ELECTRONIC SURVEILLANCE IN AN UNDISCLOSED LOCATION MAY BEGIN.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 335, AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE.

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. 340, AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE; TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION; AND TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF ROANOKE RAPIDS IN THE CONSTRUCTION OF THEATER PROJECTS IN ITS MUSIC THEATER AND ENTERTAINMENT DISTRICT. (Became law upon ratification, July 12, 2005 - S.L. 2005-174.)

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H.B. 196, AN ACT AUTHORIZING THE CITIES OF OXFORD AND MOREHEAD CITY AND THE TOWNS OF ATLANTIC BEACH AND NEWPORT TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE MUNICIPALITIES WEEDED LOT ORDINANCES. (Became law upon ratification, July 12, 2005 - S.L. 2005-175.)

The Senate recesses at 2:19 P.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 2:22 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 92 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATAUGA COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY AND TO INCREASE THE FORCE ACCOUNT LIMIT FOR WATAUGA COUNTY AND THE TOWN OF BOONE FOR DEVELOPMENT OF ANNE MARIE DRIVE PARK, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Garwood, the Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 43, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—43.

Voting in the negative: Senators Brock, East, Forrester, Pittenger, Presnell and Webster—6.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.B. 305, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, with an unfavorable report as to bill, but favorable as to Committee Substitute joint resolution.

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Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 55261, which changes the title to read **S.J.R. 305** (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF SIGMA GAMMA RHO SORORITY, INC, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute Joint Resolution is placed on today's Calendar.

CALENDAR (*continued*)

H.B. 1117 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS AND TO AUTHORIZE PUBLIC HOSPITAL AUTHORITIES TO GRANT MORTGAGES TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: Senators Brock, Pittenger and Webster—3.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.J.R. 1164, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TABOR CITY ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Upon motion of Senator Soles, the joint resolution is read in its entirety and, upon motion of Senator Berger of Rockingham, the remarks of the Senators are spread upon the Journal, as follows:

Senator Soles:

“Thank you, Madame President, and ladies and gentlemen of the Senate. You know that we have very little choice about where we are born, but we have a lot of choice about where we live and I want you to know that I was born in the little Town of Tabor City and I chose to live there. I really have never been gone from Tabor City except when I left to go to Wake Forest and then over to Chapel Hill and then here in Raleigh and I'm not so sure at this point whether Tabor City or Raleigh is my home, but when I'm asked to put my residence down I always claim Tabor City. It's a wonderful community that grew up out of farm families, a farm community and when the railroad track came through people started building kind of around the railroad track and grocery stores, hardware stores and other things built up. Eventually, we became a town that was incorporated and the town was originally known as Tabor and later, as you heard from the Resolution, it became Tabor City. I had a great uncle that was in the Legislature in the House of Representatives at that time and the best that I can tell and the only thing that I can find he really did was to change the name

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from Tabor to Tabor City. We are delighted that we are called Tabor City and the newspaper from time to time has a headline that says 'Tabor City, a Town with a City Future.' Well, we are still looking towards the future so that we can be a city. Our economy has turned negative over the last several years with the closing of the tobacco warehouses, the produce industry has gone South, the small manufacturing plants that we have are basically closed, but we have now rehabilitated the downtown area and we've got some small industry coming in and it's a wonderful place to live and I advise you all to come. We have, Madame President, some guests in the gallery and at the appropriate time I'd like for you to recognize our guests today."

Senator Weinstein:

"I have very fond memories of Tabor City. In the early 1950s, it was a bustling town and it was sort of my stomping grounds. On Saturday nights in the early 1950s, I used to drive from Lumberton to Tabor City to go to dances that people held in their homes for young people. In fact, I dated one of Senator Soles' cousins back then. She introduced me to most of the young people in Tabor City and I made a lot of friends there. I remember downtown Tabor City on Saturdays. It was like a hive of bees. The downtown was full of mom and pop stores just like all little towns in North and South Carolina. But I found out one thing about Tabor City. On Saturday nights you didn't mess around in the downtown area too much. It was a rough place. In fact, Tabor City had a name which I don't want to call on the Senate floor, but I will. It was called 'Razor City' so you had to watch out a little bit. But the big event that I remember in high school was the Yam Festival. The Yam Festival was a big deal. They had really famous bands to come for this dance which was held in a warehouse. Thousands of people from all over North and South Carolina attended this event. Last week I went to Tabor City to an affair honoring Mr. and Mrs. R. C. Soles, Sr. on their 75th Wedding Anniversary. It was just a wonderful affair and people from all over Southeastern North Carolina came to honor the Soles family. I saw a lot of friends that I knew fifty years ago and we re-introduced ourselves. Tabor City is a friendly town and I wish all of you, the citizens of Tabor City, the very best on your 100th Year Anniversary and I recommend this joint resolution to the Senate."

Senator Rand:

"Thank you, Madame President, and ladies and gentlemen of the Senate. Tabor City is a wonderful example of what makes North Carolina so really special, small towns that have meant so much really to the fabric of our society. But it is also a microcosm of what's happened to North Carolina as our economy has changed, as agriculture has changed, as tobacco has changed, how small towns have changed and Tabor City has been a part of that and has seen the problems that they have faced the small towns of Southeastern North Carolina and have changed really the way we have all lived for so long. Tabor City is doing a good job at coming back. They are remodeling, they are re-doing, and it's a place where the quality of life is really and truly wonderful. I don't remember the things Senator Weinstein mentioned. Fifty years ago I was just a small child so I can't relate to all that, but it's certainly a wonderful place populated by wonderful people and the Yam Festival really was a big deal and that's the kind of thing that makes North

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Carolina the special place that it is and why we all value the people of Tabor City so much. Senator Soles, of course, signed the Constitution, I think, I know the Declaration of Independence, but the people of Tabor City have contributed so much to Southeastern North Carolina and really all of North Carolina that we wish them well on this special anniversary."

Senator Albertson:

"Madame President, and members of the Senate, of course I heard Senator Weinstein talking about years ago. I heard about this wonderful place called Tabor City and I never was invited to go there with band. I don't know why. I was just kidding, but I did hear about those wonderful events that took place around the festival down there. I know it was a wonderful place. I was just talking here to Senator Kerr and I wonder how many of us in this Chamber can say we live and came from the town that we were born in. Probably not many of us, if any. As I was thinking as we were hearing this resolution debated, I was thinking about Tabor City and I was thinking about one of the great contributions that the Town has made to our State and I'm speaking about our very own R. C. Senator Soles, what a wonderful Senator. He has taught me so much and I learn from him in every session. R. C., you are a blessed member of this Body and we are grateful to Tabor City for you."

Senator Webster:

"I have a lot of reasons I love Tabor City, but you know I didn't know about that 'Razor City' but I did know there was some reason. We went to Tabor City to take tobacco because the tobacco warehouses down there opened a whole lot earlier than they did up in the old belt and we needed some money. Well, instinct told us, told me, to take your tobacco down there, sell it as quickly as you could and take your money and run. Don't get caught down there when the sun sets. I don't know why my instinct was telling me that, but I didn't know Senator Soles then. If I had of known him I probably would have stayed on down there for a little socializing, you know with good folks and good friends. I am very thankful for you, Senator Soles, and I want to say something. Over the years I have been asked, 'Well, what do you think about so and so?' and I remember my quick answer when somebody asked who my favorite Senator was and this was back when Senator Martin was here, 'Uncle Bob,' and I immediately gave the answer, he is gone now, I'm sorry, and they would say, 'Well he is a Democrat,' and I said, 'That doesn't matter, he is a man that when he says something, you can take poison with what he tells you because he is absolutely straight and dependable and he won't lead you wrong.' I want to say here publicly that this is how I have found Senator Soles and North Carolina has been lucky to have such a Senator from Tabor City and thank you for serving these years here and thanks to Tabor City for trading the money for my tobacco so I could take my money and run."

Senator Basnight:

"Thank you, Madame President. To our guests and members of the Senate, there was a little chuckle in the back when Hugh stood up to speak and the part

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of him saying he sold his tobacco and left town, somebody said they saw him and Weinstein dancing with some of the finest in Tabor City that night. I don't know that the money got back to Caswell County. It is, as Senator Rand says, it's part of the picture of what North Carolina is when you go to small towns like that and what it has been, is it the future? Probably not. But is the future better than the past? Probably not. But is there hope for the future? Obviously there is. Do we all work for a better future? We do. But nobody works with a better aggression for fairness or honesty than Senator Soles does for your Town. I remember when we had a storm and the storm broke the dam at Tabor City and I really did not realize there was a dam in Tabor City. I knew that there was a pond but I didn't realize that it was impounded. I sort of told him that and he jumped all over me. He was upset for my calling it a small mud hole or pond. He said that this place is just as important as the Kerr Dam or any other dam in this State. This is our community and it's where I live. A couple of weeks ago, R. C. and I had dinner together and during that time as you and I chatted about the past and looked to the future I asked you why is it that you stayed in Tabor City. You could have gone anywhere. By the way, a few folks in Tabor City don't know this but we know it here. He is a very wealthy man and he has done very well in Tabor City and he said, 'It's my home, it's my family, it's my friends and it's everyone in Tabor City and in my County that I love and I will never, ever, ever leave it.' R.C., you are what was just described by Senator Webster, an honest man, a man of high integrity and a man that we all love and we love you just like we love Tabor City. This is a grand event to offer some celebration to the senior citizen of the North Carolina Senate."

The joint resolution passes its second reading (49-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

The President extends privileges of the floor to Mr. and Mrs. R. C. Soles, Sr., parents of Senator Soles, and to Mrs. Darcus Woody, sister of Senator Soles.

Upon motion of Senator Soles the President extends the courtesies of the gallery to guests from Tabor City: Marion S. Baxter, Mayor; Al Leonard, Jr., Town Manager; Roy Norris, Police Chief; Diane B. Ward, Town Clerk; Donald James, Public Works Director; Lora Merritt, Utility Clerk; Rachel Fields, Administrative Assistant; Deuce Niven, Editor of TABOR-LORIS TRIBUNE; Clara Cartrette, News Reporter of Whiteville; Cynthia Nelson, Tabor City Chamber of Commerce Executive; The Reverend Toni Vereen, Centennial Committee Member; Nellie Vereen, Centennial Committee Member; Dennis Cox, Centennial Committee Member; Lee Ethyl Vereen, Centennial Committee Member; Mitchel Tyler; Sherry Prince; and Clara Cartrette, News Reporter of Whiteville.

INTRODUCTION OF BILLS AND RESOLUTIONS

A resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

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By Senator Rand:

S.R. 1177, A SENATE RESOLUTION CONGRATULATING ROBERT C. SOLES AND MYRTLE NORRIS SOLES ON THEIR SEVENTY-FIFTH WEDDING ANNIVERSARY AND DECLARING ROBERT C. "R.C." SOLES, JR. TO BE A NORTH CAROLINA INSTITUTION.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Rand, the Senate resolution is read in its entirety and, upon motion of Senator Berger of Rockingham, the remarks of the Senators are spread upon the Journal, as follows:

Senator Basnight:

“Thank you, Madame President. I don’t know of anyone that has ever served in the Senate that had parents that were born and raised, as Senator Albertson said, in one town and will die in one town and will remain there for evermore, and to do so with seventy-five years of life together. That is not just unusual, that is incredible and what makes it even more incredible is the life that they have lived and what they have given to the community of Tabor City and to a community of people that make up that town and what they are. Senator Soles, you should be awfully proud today, but equally so, I am proud as is each and every member in this Body. They have done something special that is unusual for us. They have framed this copy and on this copy of the resolution that we are going to give to your family is a signature of all fifty members of the North Carolina Senate. This is something to remain in the family archives for evermore as a lasting memory of what we think of your family. So at this time, Madame President, if it would meet your approval, I ask that the Senate suspend the rules to the end that will allow the Soles Family, Senator Soles, his sister, his mother and father, to come to the Well of the Senate to receive a framed copy from Members of the North Carolina Senate of the Resolution honoring their life. Will members please stand.”

Lieutenant Governor, Beverly E. Perdue:

“This is as good as it gets in North Carolina. Three years ago I was in Tabor City with the Senator for an event and Mrs. Soles took me for a spin around the city block in her cute little convertible. So I want you know that they are physically fit and very active still. Thank you, Senator Soles, for bringing your parents up. All of us should be so blessed.”

Senator Basnight:

“Just briefly if I may to the Senators, Mr. Soles still drives the BMW convertible.”

Senator Soles:

“Thank you very much. I am not really sure I can get through this. Let me say that I knew about the first one, but not the second one.”

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Senator Rand:

“Madame President, I have seen R. C. in court for forty years and I have never before heard him speechless!”

The resolution is adopted (49-0).

CALENDAR (*continued*)

S.J.R. 305 (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF SIGMA GAMMA RHO SORORITY, INC, placed earlier on today's Calendar.

Upon motion of Senator Shaw, the Senate Committee Substitute joint resolution is read in its entirety.

The joint resolution passes its second reading (49-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

H.B. 661 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR SERIOUS NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

H.B. 1004 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM AND TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED.

Senator Hoyle offers Amendment No. 1 which is adopted (40-9).

The Senate Committee Substitute bill, as amended, passes its second (43-6) 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. 655 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; AND REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT.

Senator Rand offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

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APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1126 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2007, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 1126 on July 12 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 Brown; Senator Holloman; Senator Jenkins; 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 and requesting conferees.

CONFERENCE REPORT

Senator Kerr, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY AND THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, 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 474, A BILL TO BE ENTITLED

July 13, 2005

AN ACT AUTHORIZING THE TOWN OF CARY AND THE CITY OF GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, State and Local Government Committee Substitute Adopted 3/24/05, submit the following report:

The Senate concurs in House Amendment #1 and House Amendment #2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 13, 2005.

Conferees for the Senate

Conferees for the
House of Representatives

S/John H. Kerr, III, Chair
S/Katie G. Dorsett
S/Richard Stevens

S/Edith D. Warren, Chair
S/Russell E. Tucker
Linda Coleman

The Conference Report, which changes the title, is placed on the Calendar for tomorrow, July 14, for adoption.

CONFERENCE REPORT

Senator Snow, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 776** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION, 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 776, A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION, House Committee Substitute Favorable 6/27/05, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 6/27/05, and the Senate concurs in the House Committee Substitute as amended:

July 13, 2005

On page 1, line 14, by deleting the word "necessary" and substituting the word "permitted".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 13, 2005.

Conferees for the Senate

S/Sen. John Snow, Jr., Chair
S/Sen. Fletcher L. Hartsell, Jr.
S/Senator Martin L. Nesbitt, Jr.
S/Senator Scott Thomas

Conferees for the
House of Representatives

S/Rep. Jim Harrell, III, Chair
S/Rep. Deborah K. Ross
S/Rep. Bonner L. Stiller
S/Rep. Joe Hackney

The Conference Report is placed on the Calendar for tomorrow, July 14, for adoption.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns subject to reading of Executive Orders, messages from the House of Representatives and receipt of Conference Reports to meet tomorrow, July 14, at 12:00 Noon.

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 78, Proclamation of State of Disaster for the Town of Carolina Shores, Town of Leland and City of Southport (Brunswick County)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 369 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM OCCUPANCY TAX, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 14, for concurrence.

S.B. 527 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CAPACITY OF PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO PROTECT THE SAFETY AND WELFARE OF THEIR

July 13, 2005

STUDENTS, FACULTY, AND STAFF BY ENACTING THE CAMPUS POLICE ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 14, for concurrence.

S.B. 929 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETER ESCAPES FROM CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BY MAKING IT A CRIMINAL OFFENSE TO ESCAPE, OR ATTEMPT TO ESCAPE, AND TO INCREASE THE PENALTY FOR ESCAPE FROM COUNTY OR CITY JAILS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 14, for concurrence.

S.B. 1118 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT CERTAIN CLAIMS UNDER THE TORT CLAIMS ACT WHEN THE STATE REFUSED TO DEFEND A CIVIL ACTION BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER ON THE GROUNDS THAT THE OFFICER DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINED THAT THE OFFICER DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 14, for concurrence.

H.J.R. 1786 (Committee Substitute), A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF GODWIN ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:40 P.M.

NINETY-EIGHTH DAY

Senate Chamber
Thursday, July 14, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Dr. Classy Preston, Pleasant Grove Church, Morrisville, North Carolina as follows:

July 14, 2005

"God of creation, God of Eternity, God of Humankind, You are Holy, O God, you are mighty and you are faithful. We are thankful for your arms of protection, we are thankful for the many ways you bless our lives. On this day, O Lord, we give you thanks for freedom. We give you thanks for the men and women, who serve our State, our nation and the world. May your divine wisdom reign supreme in our hearts. May your divine presence hover around us and may your hand protection always keep us. God we ask for blessings upon those who have been elected to serve our State. Grant them the ability to be visionary servant leaders. Lead them, guide them, and empower them with your spirit. God we ask that you direct our path and provide all the resources necessary for us to be fruitful within our given assignments. We offer this prayer of faith with assurance of your love. Amen."

The Chair grants leaves of absence for today to Senator Boseman, Senator Graham, Senator Jenkins and Senator Smith.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, 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 privileges of the floor to Dr. Jeffrey C. Kafer from Roxboro, North Carolina, who is serving the Senate as Doctor of the Day, and to Deborah "Hutch" Allen from Pittsboro, 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. 92 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATAUGA COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY AND TO INCREASE THE FORCE ACCOUNT LIMIT FOR WATAUGA COUNTY AND THE TOWN OF BOONE FOR DEVELOPMENT OF ANNE MARIE DRIVE PARK, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Garwood, the Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 34, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Brown, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Horton, Hunt, Jacumin, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell, Thomas and Weinstein—34.

Voting in the negative: Senators Blake, Brock, East, Forrester, Pittenger, Presnell, Tillman and Webster—8.

The House Committee Substitute bill is ordered enrolled.

July 14, 2005

The Senate recesses at 12:09 P.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 12:11 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 as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee**:

H.B. 1776 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NORTH CAROLINA TROUT UNLIMITED SPECIAL REGISTRATION PLATE AND TO ADOPT THE BROOK TROUT AS THE OFFICIAL FRESHWATER TROUT OF THE STATE OF NORTH CAROLINA, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10379, which changes the title upon concurrence to read **H.B. 1776** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PUT A MORATORIUM ON THE JACKSON COUNTY AIRPORT AUTHORITY ENTERING INTO CONTRACTS RELATING TO THE HANGAR CONSTRUCTION PROJECT, 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 *(continued)*

H.B. 1776 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PUT A MORATORIUM ON THE JACKSON COUNTY AIRPORT AUTHORITY ENTERING INTO CONTRACTS RELATING TO THE HANGAR CONSTRUCTION PROJECT, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 369 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM OCCUPANCY TAX, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Berger of Franklin, the Senate fails to concur in the House Committee Substitute bill on its second reading by roll-call vote, ayes 0, noes 46, as follows:

Voting in the affirmative: None.

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Voting in the negative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Senator Berger of Franklin offers a motion that the Senate appoint conferees, which motion prevails.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 474 (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF GREENVILLE AND HIGH POINT TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, for adoption.

Upon motion of Senator Kerr, the Senate adopts the Conference Report (46-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 654, AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES.

H.B. 1032, AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR.

The Enrolling Clerk reports the following joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 305, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF SIGMA GAMMA RHO SORORITY, INC. (Res. 41)

S.J.R. 1164, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TABOR CITY ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY. (Res. 42)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

July 14, 2005

H.B. 1097, AN ACT TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO AWARD CONTRACTS FOR THE MANAGEMENT OF SLUDGE ON THE BASIS OF FACTORS OTHER THAN COST ALONE AND TO ENTER INTO CONTRACTS THAT PROVIDE FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF SLUDGE MANAGEMENT FACILITIES BY A SINGLE ENTITY. (Became law upon approval of the Governor, July 12, 2005 - S.L. 2005-176.)

H.B. 923, AN ACT AMENDING THE LAWS REGULATING POSTSEPARATION SUPPORT. (Became law upon approval of the Governor, July 12, 2005 - S.L. 2005-177.)

H.B. 510, AN ACT TO ENCOURAGE PERSONS TO ACCEPT THE AUTHORITY GRANTED UNDER POWERS OF ATTORNEY. (Became law upon approval of the Governor, July 12, 2005 - S.L. 2005-178.)

H.B. 11, AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS. (Became law upon approval of the Governor, July 12, 2005 - S.L. 2005-179.)

H.B. 804, AN ACT TO AMEND THE ORDER OF PAYMENT OF A CLAIM FOR EQUITABLE DISTRIBUTION UNDER THE LAWS RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES. (Became law upon approval of the Governor, July 12, 2005 - S.L. 2005-180.)

H.B. 653, AN ACT TO MAKE CHANGES TO THE CREDIT INSURANCE LAWS TO DEFINE "CRITICAL PERIOD COVERAGE"; CLARIFY THE APPROPRIATE REFUND OF PREMIUMS METHOD WHEN A POLICY OR GROUP CERTIFICATE IS TERMINATED PRIOR TO THE SCHEDULED MATURITY DATE OF THE SUBJECT DEBT; ALLOW CREDIT CARD COVERAGE FROM OUT-OF-STATE FINANCIAL INSTITUTIONS; PROVIDE THAT INSURERS MUST ACKNOWLEDGE TO THE CLAIMANT ANY CLAIMS NOT PAID WITHIN THIRTY DAYS; CLARIFY THAT INSURERS CAN REQUIRE REGISTRATION WITH THE STATE UNEMPLOYMENT OFFICE AND PROVISION OF AN OFFICIAL STATE UNEMPLOYMENT OFFICE DECISION LETTER REGARDING THE CLAIM TO QUALIFY FOR CREDIT UNEMPLOYMENT INSURANCE BENEFITS UNDER THE POLICY BUT CANNOT IMPOSE A TIME LIMIT ON THAT REGISTRATION; AND PROVIDE THE COMMISSIONER OF INSURANCE WITH THE AUTHORITY TO ENFORCE THE LAWS GOVERNING CREDIT INSURANCE CONSISTENT WITH THE COMMISSIONER'S GENERAL ENFORCEMENT AUTHORITY AS SET FORTH IN CHAPTER 58 OF THE GENERAL STATUTES. (Became law upon approval of the Governor, July 12, 2005 - S.L. 2005-181.)

H.B. 1392, AN ACT TO CREATE A CLASS H FELONY OFFENSE FOR FAILURE TO RETURN A HIRED MOTOR VEHICLE VALUED IN EXCESS OF FOUR THOUSAND DOLLARS. (Became law upon approval of the Governor, July 12, 2005 - S.L. 2005-182.)

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H.B. 673, AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT, TO REQUIRE THE COMMISSIONER OF INSURANCE TO REPORT WHETHER CONTINUED PARTICIPATION BY THIS STATE IN THE COMPACT IS IN THE BEST INTEREST OF THE CITIZENS AND POLICYHOLDERS OF THIS STATE, AND TO PROVIDE A SUNSET FOR PARTICIPATION IN THE COMPACT. (Became law upon approval of the Governor, July 12, 2005 - S.L. 2005-183.)

S.B. 1058, AN ACT TO EXPAND THE SCOPE OF THE CRIMINAL OFFENSE OF ASSAULT ON AN ASSISTANCE ANIMAL AND TO REQUIRE RESTITUTION. (Became law upon approval of the Governor, July 12, 2005 - S.L. 2005-184.)

H.B. 1163, AN ACT TO PROVIDE THAT PROVISIONS IN MOTOR CARRIER FREIGHT TRANSPORTATION CONTRACTS THAT HOLD HARMLESS THE SHIPPER FOR THE SHIPPER'S NEGLIGENCE OR INTENTIONAL ACTS ARE VOID. (Became law upon approval of the Governor, July 12, 2005 - S.L. 2005-185.)

S.B. 3, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO REQUIRE APPLICANTS TO SUBMIT EVIDENCE OF CONTINUING COMPETENCY UPON LICENSE RENEWAL OR REINSTATEMENT. (Became law upon approval of the Governor, July 12, 2005 - S.L. 2005-186.)

H.B. 1319, AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE FAMILY LAW ARBITRATION ACT. (Became law upon approval of the Governor, July 12, 2005 - S.L. 2005-187.)

S.B. 335, AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR CAUSE. (Became law upon ratification, July 13, 2005 - S.L. 2005-188.)

CALENDAR *(continued)*

S.B. 527 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CAPACITY OF PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO PROTECT THE SAFETY AND WELFARE OF THEIR STUDENTS, FACULTY, AND STAFF BY ENACTING THE CAMPUS POLICE ACT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 929 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETER ESCAPES FROM CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BY MAKING IT A CRIMINAL OFFENSE TO ESCAPE, OR ATTEMPT TO ESCAPE, AND

July 14, 2005

TO INCREASE THE PENALTY FOR ESCAPE FROM COUNTY OR CITY JAILS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter the Senate fails to concur in the House Committee Substitute bill (13-33).

Senator Clodfelter offers a motion that the Senate appoint conferees, which motion prevails.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 1118 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT CERTAIN CLAIMS UNDER THE TORT CLAIMS ACT WHEN THE STATE REFUSED TO DEFEND A CIVIL ACTION BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER ON THE GROUNDS THAT THE OFFICER DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINED THAT THE OFFICER DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT.

Upon motion of Senator Rand, the President orders, without objection, the House Committee Substitute bill temporarily displaced.

S.B. 776 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION, for adoption.

Upon motion of Senator Snow, the Senate adopts the Conference Report (46-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 1118 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT CERTAIN CLAIMS UNDER THE TORT CLAIMS ACT WHEN THE STATE REFUSED TO DEFEND A CIVIL ACTION BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER ON THE GROUNDS THAT THE OFFICER DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINED THAT THE OFFICER DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, 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 (46-0) and the bill is ordered enrolled and sent to the Governor.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 929 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETER ESCAPES FROM CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BY MAKING IT A CRIMINAL OFFENSE TO ESCAPE, OR ATTEMPT TO ESCAPE, AND TO INCREASE THE PENALTY FOR ESCAPE FROM COUNTY OR CITY JAILS.

July 14, 2005

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 929 earlier today and the motion by Senator Clodfelter to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair; Senator Berger of Rockingham; Senator Lucas; Senator Malone and Senator Nesbitt 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

S.B. 369 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM OCCUPANCY TAX.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 369 earlier today and the motion by Senator Berger of Franklin to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Berger of Franklin, Chair; Senator Berger of Rockingham; Senator Holloman; Senator Kerr 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 and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns subject to receipt of messages from the House of Representatives, conference reports, ratification of bills and appointment of conferees, to meet Monday, July 18, at 4:30 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 13, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 2 for **S.B. 1126**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2007, TO

July 14, 2005

PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS, and requests conferees, Speaker Pro Tempore Morgan appoints:

Representative Gibson, Chair
Representative McComas
Representative Stiller
Representative Hackney
Representative Wainwright
Representative Stam, and
Representative Harrison

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 428 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 19, for concurrence.

S.B. 740 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO

July 14, 2005

PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, July 19, for concurrence.

S.B. 974 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 19, for concurrence.

H.B. 254 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TREASURER TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Finance Committee**.

H.B. 1327 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE.

Referred to the **Health Care Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1134 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, TO DETERMINE WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO DEVELOP A RECOMMENDED GOAL.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1134 on Tuesday, July 12, and the motion by Senator Albertson to

July 14, 2005

appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, appoints Senator Albertson, Chair; Senator Clodfelter; Senator Cowell and Senator Tillman as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 14, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 929**, A BILL TO BE ENTITLED AN ACT TO DETER ESCAPES FROM CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BY MAKING IT A CRIMINAL OFFENSE TO ESCAPE, OR ATTEMPT TO ESCAPE, AND TO INCREASE THE PENALTY FOR ESCAPE FROM COUNTY OR CITY JAILS, and requests conferees, Speaker Black appoints:

Representative Hackney, Chair
Representative Goodwin, and
Representative Stiller

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 14, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 369**, A BILL TO BE ENTITLED AN

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ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM OCCUPANCY TAX, and requests conferees, Speaker Black appoints:

Representative L. Allen, Chair
Representative Cole
Representative Luebke
Representative Michaux, and
Representative Miller

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 14, 2005

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. 1004**, A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL GOVERNMENTS TO PLEDGE AND ENCUMBER HOSPITAL FACILITIES AND EQUIPMENT IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT, and requests conferees.

Speaker Black has appointed:

Representative Gibson, Chair
Representative Luebke, Chair
Representative Wainwright, Chair
Representative Alexander, Chair
Representative Owens
Representative Tolson
Representative England

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Representative Farmer-Butterfield, and
Representative Cunningham

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
Denise G. Weeks
Principal Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1004 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; AND TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM.

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. 1004 and requests conferees, Senator Hoyle offers a motion that the Senate appoint conferees which motion prevails.

Senator Basnight, President *Pro Tempore* announces the appointment of Senator Hoyle, Chair; Senator Forrester; Senator Hartsell; Senator Jenkins; Senator Kerr 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 3:00 P.M.

NINETY-NINTH DAY

Senate Chamber
Monday, July 18, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"In our dealings with you, O God, and others, some things take longer than we would like. We wrangle, we negotiate, sometimes we even stop listening and even start name calling. Sometimes, out of frustration, we set off on our own course,

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assured that we know more than our neighbor and maybe more than you. If we find ourselves in that kind of situation, remind us to pray the prayer of Gethsemane which goes, 'Not my will but your will be done, Almighty God.' Doors will open and minds will be receptive and things will be accomplished. Amen."

The Chair grants leaves of absence for tonight to Senator Forrester, Senator Smith and Senator Webster.

Senator Stevens announces that the Journal of Thursday, 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 privileges of the floor to Dr. John Burkard from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Cathy Chapman from Mebane, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 109, AN ACT TO GRANT TO DEPLOYED MILITARY PERSONNEL AN EXTENSION OF TIME WITHIN WHICH TO RENEW A CONCEALED HANDGUN PERMIT.

S.B. 421, AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE SOLICITATION OF CONTRIBUTIONS.

S.B. 527, AN ACT TO ENHANCE THE CAPACITY OF PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO PROTECT THE SAFETY AND WELFARE OF THEIR STUDENTS, FACULTY, AND STAFF BY ENACTING THE CAMPUS POLICE ACT.

S.B. 887, AN ACT TO REVISE THE STATUTES THAT ADDRESS STATUTORY LIENS ON REAL PROPERTY.

S.B. 1118, AN ACT TO PERMIT CERTAIN CLAIMS UNDER THE TORT CLAIMS ACT WHEN THE STATE REFUSED TO DEFEND A CIVIL ACTION BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER ON THE GROUNDS THAT THE OFFICER DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINED THAT THE OFFICER DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT.

H.B. 737, AN ACT TO REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE

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COVERAGE PROVIDED IS NOT EMPLOYER-BASED, LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS FOR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO FIVE; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; AMEND THE UTILIZATION REVIEW LAWS TO CLARIFY THAT SUCH LAWS PLAINLY APPLY TO INDIVIDUAL INSURANCE COVERAGE AS WELL AS GROUP COVERAGE; TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; ENSURE THAT COVERED PERSONS RECEIVING EXTERNAL REVIEW KNOW WHAT INFORMATION THEIR INSURER PROVIDES TO THE EXTERNAL REVIEW ORGANIZATION PERFORMING THE REVIEW; AND ELIMINATE EXTERNAL REVIEW OUTSIDE OF NORMAL BUSINESS HOURS.

H.B. 1236, AN ACT TO REPLACE THE ALLIANCE OF AMERICAN INSURERS AND NATIONAL ASSOCIATION OF INDEPENDENT INSURERS WITH THE PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA AND ONE INSURER FROM THE INDUSTRY AT LARGE SELECTED BY THE INSURER COMPANY MEMBERS OF THE BOARD AS TRADE ASSOCIATION MEMBERS WHICH MUST BE REPRESENTED ON THE BOARD OF GOVERNORS OF THE NORTH CAROLINA REINSURANCE FACILITY.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 92, AN ACT TO AUTHORIZE WATAUGA COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY AND TO INCREASE THE FORCE ACCOUNT LIMIT FOR WATAUGA COUNTY AND THE TOWN OF BOONE FOR DEVELOPMENT OF ANNE MARIE DRIVE PARK.

CHAPTERED BILLS

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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. 288, AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A MOTOR VEHICLE SHALL DO UPON APPROACH OF AN EMERGENCY VEHICLE. (Became law upon approval of the Governor, July 14, 2005 - S.L. 2005-189.)

S.B. 981, AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION: (1) TO STUDY WATER QUALITY IN DRINKING WATER SUPPLY RESERVOIRS IN THE STATE, (2) TO ADOPT NUTRIENT CONTROL CRITERIA FOR DRINKING WATER SUPPLY RESERVOIRS, (3) TO DEVELOP AND IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS THAT ARE IMPAIRED OR THAT MAY BECOME IMPAIRED WITHIN FIVE YEARS, (4) NOT TO MAKE ANY NEW OR INCREASED NUTRIENT LOADING ALLOCATION TO ANY IMPAIRED DRINKING WATER SUPPLY RESERVOIR UNTIL RULES TO IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY FOR THAT RESERVOIR BECOME EFFECTIVE, AND (5) TO REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION ON PROGRESS IN DEVELOPING AND IMPLEMENTING NUTRIENT MANAGEMENT STRATEGIES FOR DRINKING WATER SUPPLY RESERVOIRS WITH IMPAIRED WATER QUALITY. (Became law upon approval of the Governor, July 15, 2005 - S.L. 2005-190.)

S.B. 268, AN ACT TO ENACT "AEDIN'S LAW" TO DIRECT THE COMMISSIONER OF AGRICULTURE TO ADOPT RULES ESTABLISHING PERMITTING AND SANITATION REQUIREMENTS FOR ANIMAL EXHIBITIONS. (Became law upon approval of the Governor, July 15, 2005 - S.L. 2005-191.)

S.B. 679, AN ACT TO ADOPT A REVISED VERSION OF THE UNIFORM TRUST CODE FOR NORTH CAROLINA. (Became law upon approval of the Governor, July 15, 2005 - S.L. 2005-192.)

S.B. 566, AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM. (Became law upon approval of the Governor, July 15, 2005 - S.L. 2005-193.)

H.B. 1346, AN ACT TO ENACT THE INTERSTATE COMPACT FOR JUVENILES. (Became law upon approval of the Governor, July 15, 2005 - S.L. 2005-194.)

S.B. 630, AN ACT TO MODIFY THE STATUTES GOVERNING RESIDENTIAL SCHOOLS TO MAKE THEIR ACCOUNTABILITY SYSTEM AND THEIR SCHOOL IMPROVEMENT PLANS LIKE THOSE OF OTHER PUBLIC SCHOOLS, AND TO MAKE OTHER TECHNICAL OR CONFORMING CHANGES TO THOSE STATUTES. (Became law upon approval of the Governor, July 15, 2005 - S.L. 2005-195.)

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S.B. 316, AN ACT TO MAKE PERMANENT A TEMPORARY ACT THAT PROVIDED THAT GASOLINE THAT MEETS FEDERAL REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE SHALL BE DEEMED TO COMPLY WITH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE. (Became law upon approval of the Governor, July 15, 2005 - S.L. 2005-196.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 14, 2005

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. 474** (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF GREENVILLE AND HIGH POINT TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the report of the Conferees on July 14, the President orders the bill enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 14, 2005

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. 776** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT

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EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE
SEX OFFENDER REGISTRATION UPON FELONY CONVICTION.

Pursuant to your message that you have adopted the report of the Conferees,
you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the report of the Conferees on July 14,
the President orders the bill enrolled and sent to the Governor.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 338 (Committee Substitute), A BILL TO BE ENTITLED AN ACT
AUTHORIZING THE TOWN OF AHOSKIE TO GIVE ANNUAL NOTICE
TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION
ORDINANCE, for concurrence in House Amendment No. 1.

The bill is placed on the Calendar for tomorrow, July 19, for concurrence in
House Amendment No. 1.

S.B. 626 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT
TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE
FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY
ACT; TO PROVIDE SPECIAL ENROLLMENT PERIODS WITHOUT PENALTY
FOR PERSONS ENROLLED UNDER A GROUP PLAN WHOSE COVERAGE
IS TERMINATED WHEN AN INSURER DISCONTINUES WRITING A
CERTAIN TYPE OF GROUP HEALTH INSURANCE COVERAGE
THROUGHOUT THAT ENTIRE SMALL OR LARGE GROUP MARKET; AND
TO PROVIDE CONTINUED GUARANTEED ISSUE RIGHTS TO A PERSON
WHO IS HIPAA ELIGIBLE, WHO IS INSURED IN THE INDIVIDUAL
MARKET, AND WHOSE INSURER DISCONTINUES WRITING A CERTAIN
TYPE OF HEALTH INSURANCE COVERAGE THROUGHOUT THE ENTIRE
INDIVIDUAL MARKET, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow,
July 19, for concurrence.

S.B. 707 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT
TO CLARIFY THAT THE THIRTY-DAY DEADLINES IMPOSED UPON
AGENTS AND BAIL BONDSMEN SEEKING INTERNAL
ADMINISTRATIVE REVIEW OF A DENIAL OF LICENSURE AND
SUBSEQUENTLY SEEKING A HEARING UNDER ARTICLE 3A OF
CHAPTER 150B OF THE GENERAL STATUTES ARE MANDATORY, NOT
OPTIONAL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow,

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July 19, for concurrence.

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 79, North Carolina Film Council.

Upon motion of Senator Dannelly, seconded by Senator Albertson, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet tomorrow, July 19, at 2:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1631 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS AND IN UNIVERSITY AND COMMUNITY COLLEGE ENROLLMENT; DIRECTING THE STATE CONTROLLER TO TRANSFER OVERREALIZED DISPROPORTIONATE SHARE PAYMENTS TO NONTAX REVENUE; AND EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 31, 2005, UNTIL AUGUST 31, 2005.

Referred to the **Appropriations/Base Budget Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 18, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1134**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, TO DETERMINE WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE

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AND DESIRABLE, TO DEVELOP A RECOMMENDED GOAL, and requests conferees, Speaker Black appoints:

Representative Underhill, Chair
Representative Haire
Representative Hackney
Representative Harrell
Representative Carney, and
Representative Stiller

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 8:14 P.M.

ONE-HUNDREDTH DAY

Senate Chamber
Tuesday, July 19, 2005

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, near the end of his life, your prophet Joshua made an impassioned speech to the children of Israel. Typical of a fiery prophet, first he recounted the blessings you had bestowed, then he called the people to renounce their idols and follow you. 'Choose this day whom you will serve,' he said, and then quickly responded, 'As for me and my house, we will serve the Lord.' Joshua's testimony and decisiveness is both refreshing and challenging, especially because we live in a world that all too often trembles on the edge of a MAYBE. This week in the Senate, help us to be decisive this week in your word and deed. To your glory, Amen."

The Chair grants leaves of absence for today to Senator Smith, Senator Soles and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, July 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands

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approved as written.

The President of the Senate extends privileges of the floor to Dr. Holly Biola from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Judy Schneider from Garner, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 776, AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 170, AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN.

S.B. 474, AN ACT AUTHORIZING THE CITIES OF GREENVILLE AND HIGH POINT TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 92, AN ACT TO AUTHORIZE WATAUGA COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY AND TO INCREASE THE FORCE ACCOUNT LIMIT FOR WATAUGA COUNTY AND THE TOWN OF BOONE FOR DEVELOPMENT OF ANNE MARIE DRIVE PARK. (Became law upon ratification, July 18, 2005 - S.L. 2005-197.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 338 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION

July 19, 2005

ORDINANCE, for concurrence in House Amendment No. 1.

Upon motion of Senator Holloman, the Senate concurs in House Amendment No. 1 (46-0) and the measure is ordered enrolled.

S.B. 428 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT, for concurrence in the House Committee Substitute bill.

Upon motion of the Senator Rand the Senate fails to concur in the House Committee Substitute bill (0-47).

The Chair orders a message sent to the House of Representatives informing the Honorable Body of such action.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1004** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; AND TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1004, A BILL TO BE ENTITLED AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; AND TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, Senate Finance Committee Substitute Adopted 7/12/05, Fourth Edition Engrossed 7/13/05, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 7/12/05, Fourth Edition Engrossed 7/13/05, and the House concurs in the Senate Finance Committee Substitute as amended:

Delete the entire Senate Finance Committee Substitute Adopted 7/12/05, Fourth Edition Engrossed 7/13/05, and substitute the attached Proposed Conference Committee Substitute H1004-PCCS-70539-LYf-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

July 19, 2005

Date Conferees approved report: July 19, 2005.

Conferees for the Senate

S/Sen. David W. Hoyle, Chair
 S/Sen. John H. Kerr, III
 S/Sen. James Forrester
 S/Sen. Fletcher L. Hartsell, Jr.
 S/Sen. Clark Jenkins
 S/Sen. A. B. Swindell

Conferees for the House of
 Representatives

S/Rep. Pryor Gibson, Chair
 Rep. Paul Luebke, Chair
 S/Rep. William L. Wainwright, Chair
 S/Rep. Martha B. Alexander, Chair
 S/Rep. Bill Owens
 S/Rep. Joe P. Tolson
 S/Rep. Bob England, M.D.
 S/Rep. Jean Farmer-Butterfield
 S/Rep. W. Pete Cunningham

The text of the attached Proposed Conference Committee Substitute, PCCS H1004-PCCS-70539-LYf-1, which changes the title, is as follows:

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; AND TO CREATE AN ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE TO PERFORM A COMPREHENSIVE STUDY OF THE ECONOMIC DEVELOPMENT INCENTIVES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 105-129.2A(a) reads as rewritten:

"(a) Sunset. – This Article is repealed effective for business activities that occur on or after January 1, ~~2006~~,2008."

SECTION 1.(b) G.S. 105-129.2A, as amended by subsection (a) of this section, is amended by adding a new subsection to read:

"(a3) Sunset for Certain Taxpayers Located in Development Zones. – Notwithstanding subsection (a) of this section, in the case of a taxpayer that satisfies all of the conditions of this subsection, this Article is repealed effective for business activities that occur on or after January 1, 2010.

(1) Before January 1, 2006, the taxpayer signs a letter of commitment with the Department of Commerce describing a proposed new or expanding project and specifying the amount to be invested in real property and machinery and equipment, the number of new jobs to be created, and a proposed timetable for making the investment and creating the jobs.

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- (2) Before January 1, 2006, the Secretary of Commerce makes a written determination that the taxpayer is expected to purchase, lease, or construct and place in service in an eligible business at a location within a development zone within a three-year period at least ten million dollars (\$10,000,000) of real property and machinery and equipment and that the taxpayer will create at least 300 new jobs at the location within a three-year period beginning when the property is first placed in service in an eligible business.
- (3) Before January 1, 2006, the taxpayer places at least four million dollars (\$4,000,000) of real property and machinery and equipment in service at the location and creates at least 20 new jobs at the location."

SECTION 2. G.S. 105-129.4(d) reads as rewritten:

"(d) Forfeiture. – A taxpayer forfeits a credit allowed under this Article if the taxpayer was not eligible for the credit for the calendar year in which the taxpayer engaged in the activity for which the credit was claimed. In addition, a taxpayer forfeits a large investment enhancement of a tax credit if the taxpayer fails to timely make the required level of investment under subsection (b1) of this section. If an eligible major industry fails to timely make the required level of investment under G.S. 105-129.2(8a), the taxpayer forfeits all credits allowed under this Article that it would not otherwise have been eligible for if it were not an eligible major industry. If a taxpayer that is subject to the later repeal date of this Article under G.S. 105-129.2A(a3) fails to timely make the required level of investment or to timely create the required number of new jobs, the taxpayer forfeits all credits allowed under this Article that it would not otherwise have been eligible for if it were not subject to the later repeal date under G.S. 105-129.2A(a3). A taxpayer forfeits the credit for substantial investment in other property allowed under G.S. 105-129.12A if the taxpayer fails to timely create the number of required new jobs or to timely make the required level of investment under subsection (b5) of this section. A taxpayer forfeits the technology commercialization credit allowed under G.S. 105-129.9A if the taxpayer fails to make the level of investment required by subsection (e) of that section within the required period or if the taxpayer fails to meet the terms of its licensing agreement with a research university. If a taxpayer claimed a twenty percent (20%) technology commercialization credit under G.S. 105-129.9A(d) and fails to make the level of investment required under that subsection within the required period, but does make the level of investment required under subsection (e) of that section within the required period, the taxpayer forfeits one-fourth of the twenty percent (20%) credit.

A taxpayer that forfeits a credit under this Article is liable for all past taxes avoided as a result of the credit plus interest at the rate established under G.S. 105-241.1(i), computed from the date the taxes would have been due if the credit had not been allowed. The past taxes and interest are due 30 days after the date the credit is forfeited; a taxpayer that fails to pay the past taxes and interest by the due date is subject to the penalties provided in G.S. 105-236. If a taxpayer forfeits the credit for creating jobs, the technology commercialization credit, or the credit for investing in machinery and equipment, the taxpayer also forfeits any credit for worker training claimed for the jobs for which the credit for

creating jobs was claimed or the jobs at the location with respect to which the technology commercialization credit or the credit for investing in machinery and equipment was claimed."

SECTION 3. G.S. 143B-437.62 reads as rewritten:

"§ **143B-437.62. Expiration.**

The authority of the Committee to enter into new agreements expires January 1, ~~2006~~2008."

SECTION 4. G.S. 105-129.3 is amended by adding a new subsection to read:

"(f) Exceptions for Certain Counties with High Unemployment. – Notwithstanding the provisions of this section, a county whose rank in a ranking of counties by average rate of unemployment for the preceding 12 months, from highest to lowest, is one of the 10 highest in the State is designated an enterprise tier one area."

SECTION 5. G.S. 143B-437.53(c) reads as rewritten:

"(c) Health Insurance. – A business is eligible for a grant under this Part only if the business provides health insurance for all of the applicable full-time employees of the project with respect to which the grant is made. For the purposes of this subsection, an applicable full-time employee is one who earns from the business less than one hundred fifty thousand dollars (\$150,000) in taxable compensation on an annualized basis or three and one-half times the annualized average State wage for all insured private employers in the State employing between 250 and 1,000 employees, whichever is greater. For the purposes of this subsection, a business provides health insurance if it pays at least fifty percent (50%) of the premiums for health care coverage that equals or exceeds the minimum provisions of the basic health care plan of coverage recommended by the Small Employer Carrier Committee pursuant to G.S. 58-50-125.

Each year that a business receives a grant under this Part, the business must provide with the submission required under G.S. 143B-437.58 a certification that the business continues to provide health insurance, as required by this subsection, for all applicable full-time employees of the project with respect to which the grant is made. If the business ceases to provide the required health insurance to all full-time employees of the project with respect to which a grant is made, insurance, the Committee shall amend or terminate the agreement as provided in G.S. 143B-437.59."

SECTION 6. G.S. 105-129.3(e)(1) reads as rewritten:

"(e) Exceptions for Certain Small Counties. – The following exceptions to the provisions of this section apply to small counties:

- (1) A county that ~~meets both of the conditions set out below~~ has a population of less than 12,000 is designated an enterprise tier one ~~area~~ area:
 - a. ~~Its population is less than 12,000.~~
 - b. ~~More than sixteen percent (16%) of its population is below the federal poverty level according to the most recent federal decennial census.~~

SECTION 7. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 120.

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"Joint Legislative Economic Development Oversight Committee.

"§ 120-70.130. Creation and membership of Joint Legislative Economic Development Oversight Committee.

The Joint Legislative Economic Development Oversight Committee is established. The Committee consists of 12 members as follows:

- (1) Six members of the Senate appointed by the President Pro Tempore of the Senate; and
- (2) Six members of the House of Representatives appointed by the Speaker of the House of Representatives.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 2007 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until a successor is appointed. A vacancy shall be filled by the officer who made the original appointment.

"§ 120-70.131. Purpose and powers of Committee.

(a) The Joint Legislative Economic Development Oversight Committee shall examine, on a continuing basis, economic growth and development issues and strategies in North Carolina in order to make ongoing recommendations to the General Assembly on ways to promote cost-effective economic development initiatives. In this examination, the Committee may:

- (1) Study the budgets, programs, and policies of the Department of Commerce, the North Carolina Partnership for Economic Development, and other State, regional, and local entities involved in economic development.
- (2) Analyze legislation from other states regarding economic development.
- (3) Analyze proposals produced by the Economic Development Board.
- (4) Study any other matters that the Committee considers necessary to fulfill its mandate.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

"§ 120-70.132. Organization of Committee.

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Economic Development Oversight Committee. The Committee shall meet upon the joint call of the cochairs.

(b) A quorum of the Committee is seven members. Only recommendations, including proposed legislation, receiving at least six affirmative votes may be included in a Committee report to the General Assembly. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) The cochairs of the Committee may call upon other knowledgeable persons or experts to assist the Committee in its work.

(d) Members of the Committee shall receive subsistence and travel expenses as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee."

SECTION 8. The Economic Development Oversight Committee, created pursuant to Section 7 of this act, shall complete a comprehensive study of Article 3A of Chapter 105 of the General Statutes (the Bill Lee Act) and the Job Development Investment Grant Program (JDIG) established under Part 2G of Article 10 of Chapter 143B of the General Statutes. Before adopting a report on this issue, the Economic Development Oversight Committee must hold at least one joint meeting with the Revenue Laws Study Committee. The Economic Development Oversight Committee shall complete the study and submit it to the General Assembly, along with any recommendations or legislative proposals, before the beginning of the 2006 Regular Session of the 2005 General Assembly. The study shall focus on comprehensive reform of the Bill Lee Act, JDIG, and related economic development incentives. It is the intent of the General Assembly to replace the current Bill Lee Act beginning with the 2007 taxable year with a program recommended by the Committee and to revamp JDIG based on the Committee's recommendations.

SECTION 9. This act is effective when it becomes law. Sections 4 and 6 of this act apply to designations made 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.

The Senate recesses at 2:22 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 2:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hagan for the **Appropriations/Base Budget Committee:**

July 19, 2005

H.B. 1631 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS AND IN UNIVERSITY AND COMMUNITY COLLEGE ENROLLMENT; DIRECTING THE STATE CONTROLLER TO TRANSFER OVERREALIZED DISPROPORTIONATE SHARE PAYMENTS TO NONTAX REVENUE; AND EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 31, 2005, UNTIL AUGUST 31, 2005, with a favorable report.

Upon motion of Senator Hagan, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR (*continued*)

S.B. 626 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; TO PROVIDE SPECIAL ENROLLMENT PERIODS WITHOUT PENALTY FOR PERSONS ENROLLED UNDER A GROUP PLAN WHOSE COVERAGE IS TERMINATED WHEN AN INSURER DISCONTINUES WRITING A CERTAIN TYPE OF GROUP HEALTH INSURANCE COVERAGE THROUGHOUT THAT ENTIRE SMALL OR LARGE GROUP MARKET; AND TO PROVIDE CONTINUED GUARANTEED ISSUE RIGHTS TO A PERSON WHO IS HIPAA ELIGIBLE, WHO IS INSURED IN THE INDIVIDUAL MARKET, AND WHOSE INSURER DISCONTINUES WRITING A CERTAIN TYPE OF HEALTH INSURANCE COVERAGE THROUGHOUT THE ENTIRE INDIVIDUAL MARKET, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Thomas, the Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

RECOGNITION OF MISS NORTH CAROLINA

With unanimous consent, upon motion of Senator Rand, the privileges of the floor are extended to Brooke Elizabeth McLaurin, Miss North Carolina 2005 from Fayetteville. Senator Blake, Senator Rand, Senator Shaw and Senator Weinstein are appointed to escort Miss North Carolina to the Well of the Senate.

Miss McLaurin is recognized and addresses the Senate.

Miss McLaurin is escorted from the Chamber to a standing ovation.

CALENDAR (*continued*)

S.B. 707 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE THIRTY-DAY DEADLINES IMPOSED UPON

July 19, 2005

AGENTS AND BAIL BONDSMEN SEEKING INTERNAL ADMINISTRATIVE REVIEW OF A DENIAL OF LICENSURE AND SUBSEQUENTLY SEEKING A HEARING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL STATUTES ARE MANDATORY, NOT OPTIONAL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Berger of Rockingham, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 740 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the Senate fails to concur in the House Committee Substitute bill No. 2 (0-47).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE

H.B. 829 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL FLAGS, referred to the **State & Local Government Committee** on June 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **State & Local Government Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **State & Local Government Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

CALENDAR *(continued)*

S.B. 974 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN

July 19, 2005

UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dannelly, the Senate fails to concur in the House Committee Substitute bill (0-47).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1004 (Conference Report), A BILL TO BE ENTITLED AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; AND TO CREATE AN ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE TO PERFORM A COMPREHENSIVE STUDY OF THE ECONOMIC DEVELOPMENT INCENTIVES, placed earlier on today's Calendar for adoption.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report (46-1).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1631 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS AND IN UNIVERSITY AND COMMUNITY COLLEGE ENROLLMENT; DIRECTING THE STATE CONTROLLER TO TRANSFER OVERREALIZED DISPROPORTIONATE SHARE PAYMENTS TO NONTAX REVENUE; AND EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 31, 2005, UNTIL AUGUST 31, 2005, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor by special message.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Krysten Alexander, Gastonia; Sarah Allen, Raleigh; Travis Austin Benfield, Mount Holly; Aaron P. Bradley III, Dallas; Sheniqua D'shon Bynum, Gastonia; Caroline Katherine Curry, Raleigh; Brandy Disbennett, Elizabeth City; Robert H. Fleming, Raleigh; John F. Gardin, Gastonia; Millie Marie Griffith, Elizabeth City; Michael Boyd Hungate, Gastonia; Brandee Jenkins, Gastonia; Brittany Jenkins, Gastonia; Kelly Kilburn, Raleigh; Casey Ann Ledford, Franklin; Rhonda McCaskill, Gastonia; Kimberly McCaskill, Gastonia; Shadreka McCoy, Gastonia; Karitha McDowell, Gastonia; John Thomas Miller, Rutherfordton; Virginia Ostgaard, Marion; Michael Pell, Gibsonville; Stefanie M. Powers,

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Lumberton; Joshua Omar Smith, Gastonia; Douglas Hatley White, Louisburg; William McClanahan White, Raleigh; Benjamin J. Wines, Goldsboro; and Joseph Winker, Rutherfordton.

WITHDRAWAL FROM COMMITTEE

S.B. 461 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS, referred to the **Judiciary II Committee** on June 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Judiciary II Committee** and placed on the Calendar for tomorrow, July 20, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Judiciary II Committee** and places it on the Calendar for tomorrow, July 20, for concurrence.

Upon motion of Senator Basnight, seconded by Senator Cowell and Senator Thomas, the Senate adjourns subject to reading of messages from the House of Representatives, receipt of Conference Reports and ratification of bills and in honor of Senator Thomas and Senator Cowell on their birthday to meet tomorrow, July 20, at 2:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 972 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF RELIGIOUS WORSHIP, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on the Calendar for tomorrow, July 20, for concurrence in House Amendment No. 1.

H.J.R. 1615 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN D. HALL, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to the **Rules and Operations of the Senate Committee**.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1631, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR OPERATION OF GOVERNMENT

July 19, 2005

AT THE LEVEL IN EFFECT ON JUNE 30, 2005; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS AND IN UNIVERSITY AND COMMUNITY COLLEGE ENROLLMENT; DIRECTING THE STATE CONTROLLER TO TRANSFER OVERREALIZED DISPROPORTIONATE SHARE PAYMENTS TO NONTAX REVENUE; AND EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 31, 2005, UNTIL AUGUST 31, 2005.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 563, AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, AND TO REDUCE FROM FIVE YEARS TO THREE YEARS THE LENGTH OF A PROVISIONAL TEACHING CERTIFICATE ISSUED TO A LATERAL ENTRY TEACHER. (Became law upon approval of the Governor, July 19, 2005 - S.L. 2005-198.)

CONFERENCE REPORT

Senator Purcell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1059** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, 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 1059, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, House Committee Substitute Favorable 6/21/05, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 6/21/05, as amended:

On page 1, by inserting after line 26:

"(5) Medical Board. – The North Carolina Medical Board, as established under Article 1 of this Chapter.";

and on page 2, lines 1 and 5, by renumbering the subdivisions accordingly;

and on page 2, lines 34 and 35, by inserting between those lines a new section to read:

"§ 90-682.1. Medical Board approval required.

July 19, 2005

The Committee shall report to the Medical Board all actions taken by the Committee pursuant to this Article, except for actions taken by the Committee pursuant to G.S. 90-684. No action by the Committee is effective unless the action is approved by the Medical Board. The Medical Board may also rescind or supercede, in whole or in part, any action taken by the Committee in carrying out the provisions of this Article, except for actions taken by the Committee pursuant to G.S. 90-684.”;

and on page 4, lines 22 through 23, by deleting those lines;

and on page 5, lines 36 through 44, and page 6, lines 1 through 7, by rewriting those lines to read:

“(a) All fees shall be payable to the Medical Board and deposited in the name of the Medical Board in financial institutions designated by the Medical Board as official depositories. These fees shall be used to carry out the purposes of this Article.

“(b) All salaries, compensation, and expenses incurred or allowed to carry out the purposes of this Article shall be paid by the Medical Board exclusively out of the fees received by the Medical Board as authorized by this Article or funds received from other sources. In no case shall any salary, expense, or other obligation authorized by this Article be charged against the State treasury.

“(c) The Committee, upon the approval of the Medical Board, shall establish fees not exceeding the following amounts:

(1)	License application	\$350.00
(2)	Biennial renewal of license	\$350.00
(3)	Late renewal of license	\$100.00
(4)	Provisional license	\$175.00
(5)	Copies of rules Cost.”;	

and on page 7, lines 37 through 39, by rewriting those lines to read:

“**SECTION 3.** Notwithstanding G.S. 90-684(a)(1), as enacted by Section 1 of this act, the initial perfusionists appointed to the North Carolina Perfusion Advisory Committee by the North Carolina Medical Board do not have to meet the licensure requirements established under G.S. 90-686, as enacted by Section 1 of this act. The appointees must be certified clinical perfusionists and must apply for and obtain a license from the Committee within 90 days after the Committee begins issuing licenses.”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 19, 2005.

Conferees for the Senate

Conferees for the
House of Representatives

S/Senator William R. Purcell, Chair
S/Senator Stan Bingham
S/Senator Janet Cowell

S/Representative Bob England, M.D.,
Chair
S/Representative Thomas E. Wright

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S/Senator Katie G. Dorsett

S/Representative Edd Nye
S/Representative Pryor Gibson
S/Representative Harold J. Brubaker
S/Representative Mark W. Hollo
S/Representative Martha B. Alexander

The Conference Report is placed on the Calendar for Wednesday, July 20, for adoption.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:30 P.M.

ONE HUNDRED FIRST DAY

Senate Chamber
Wednesday, July 20, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by Dr. Joseph Welker, Jr., Pastor, Kirk of Kildaire Presbyterian Church, Cary, North Carolina as follows:

"Lord of our life and God of our salvation, we ask your blessing on all that is best about us, and your forgiveness for anything that has fallen short of the greatness of the past, the hopes of the present and the call to higher things in the future. Guide those who direct the affairs of our State. Sustain them in their work, support them in their anxieties, and strengthen them in their resolve to seek and pursue the well-being of all the people. Help them to seek the peaceable fruits of justice and mercy. Grant that they may know the limits of human wisdom as they face the perplexing issues of our day. Give them joy in their service, due pride in their successes, and the peace of a good conscience in all of their endeavors. And so work among us by your good and kindly Spirit that our State may be renewed in beauty and order, in happiness and peace. For we ask this in your Holy name. Amen."

Adapted from *A Prayer for Civic Occasions* from the book of Common Order, Church of Scotland.

The Chair grants leaves of absence for today to Senator Allran and Senator Malone.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, July 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

July 20, 2005

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Damian McHugh from Apex, North Carolina, who is serving the Senate as Doctor of the Day, and to Regina Wyatt from Wilson, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 482, AN ACT TO EXEMPT LARGE INDOOR ARENAS WITH SEATING CAPACITIES GREATER THAN TWENTY-THREE THOUSAND FROM SMOKING REGULATIONS PROVIDED FOR IN ARTICLE 64 OF CHAPTER 143 OF THE GENERAL STATUTES.

S.B. 533, AN ACT TO REVISE AND CLARIFY THE LAW PROVIDING FOR A CHILD'S ALLOWANCE FROM A DECEDENT'S ESTATE.

S.B. 626, AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; TO PROVIDE SPECIAL ENROLLMENT PERIODS WITHOUT PENALTY FOR PERSONS ENROLLED UNDER A GROUP PLAN WHOSE COVERAGE IS TERMINATED WHEN AN INSURER DISCONTINUES WRITING A CERTAIN TYPE OF GROUP HEALTH INSURANCE COVERAGE THROUGHOUT THAT ENTIRE SMALL OR LARGE GROUP MARKET; AND TO PROVIDE CONTINUED GUARANTEED ISSUE RIGHTS TO A PERSON WHO IS HIPAA ELIGIBLE, WHO IS INSURED IN THE INDIVIDUAL MARKET, AND WHOSE INSURER DISCONTINUES WRITING A CERTAIN TYPE OF HEALTH INSURANCE COVERAGE THROUGHOUT THE ENTIRE INDIVIDUAL MARKET.

S.B. 707, AN ACT TO CLARIFY THAT THE THIRTY-DAY DEADLINES IMPOSED UPON AGENTS AND BAIL BONDSMEN SEEKING INTERNAL ADMINISTRATIVE REVIEW OF A DENIAL OF LICENSURE AND SUBSEQUENTLY SEEKING A HEARING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL STATUTES ARE MANDATORY, NOT OPTIONAL.

H.B. 329, AN ACT TO LIMIT LIABILITY ARISING FROM CERTAIN AGRITOURISM ACTIVITIES.

H.B. 1221, AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN DOMESTIC CHILD CUSTODY ACTIONS.

H.B. 1280, AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE GENERAL ASSEMBLY ON STRATEGIES TO BEST UTILIZE FEDERAL FUNDS FOR RAIL IMPROVEMENTS SUCH AS SERVICE TO WESTERN AND SOUTHEASTERN NORTH CAROLINA AND RESTORATION OF THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR.

July 20, 2005

H.B. 1332, AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES.

H.B. 1434, AN ACT TO AUTHORIZE SERVICE OF PROCESS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE BY SIGNATURE CONFIRMATION.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 338, AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE.

H.B. 1776, AN ACT TO PUT A MORATORIUM ON THE JACKSON COUNTY AIRPORT AUTHORITY ENTERING INTO CONTRACTS RELATING TO THE HANGAR CONSTRUCTION PROJECT.

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. 170, AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO CORRECTLY IDENTIFY THE CENTER OF TOWN. (Became law upon ratification, July 19, 2005 - S.L. 2005-199.)

S.B. 474, AN ACT AUTHORIZING THE CITIES OF GREENVILLE AND HIGH POINT TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS. (Became law upon ratification, July 19, 2005 - S.L. 2005-200.)

H.B. 1631, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2005; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS AND IN UNIVERSITY AND COMMUNITY COLLEGE ENROLLMENT; DIRECTING THE STATE CONTROLLER TO TRANSFER OVERREALIZED DISPROPORTIONATE SHARE PAYMENTS TO NONTAX REVENUE; AND EXTENDING THE FINAL MATURITY OF CERTAIN GLOBAL TRANSPARK DEBT FROM JULY 31, 2005, UNTIL AUGUST 31, 2005. (Became law upon approval of the Governor, July 19, 2005 - S.L. 2005-201.)

July 20, 2005

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 19, 2005

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. 1500**, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND TO AMEND THE LAW CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, and requests conferees.

Speaker Black has appointed:

Representative Gibson, Chair
Representative Harrell

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

Referred to the **Commerce Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1297 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR ANY VOLUNTEER WHO SERVES IN A MEDICAL RESERVE CORPS UNIT OR ON A COMMUNITY EMERGENCY RESPONSE TEAM WHILE ENGAGED IN PROVIDING EMERGENCY SERVICES.

Senator Clodfelter offers Amendment No. 1 which is adopted (48-0).

July 20, 2005

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 1059 (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS.

Upon motion of Senator Purcell, the Conference Report is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 27, for adoption.

H.B. 1466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 26.

S.B. 461 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS, 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 and sent to the Governor.

The Senate recesses at 2:30 P.M. for the purpose of a Finance Committee meeting to reconvene at 2:35 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 1051 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE CREATION OF A MACON-JACKSON REGIONAL AIRPORT AUTHORITY; TO LIMIT OPERATIONS OF SOME FIXED AND ROTARY WING AIRCRAFT; AND TO CHANGE THE MEMBERSHIP OF THE JACKSON COUNTY AIRPORT AUTHORITY, with a favorable report.

Upon motion of Senator Hoyle, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

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CALENDAR (*continued*)

S.B. 972 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF RELIGIOUS WORSHIP, for concurrence in House Amendment No. 1.

Upon motion of Senator Smith, the Senate concurs in House Amendment No. 1 (48-0) and the bill is ordered enrolled and sent to the Governor.

H.B. 1051 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE CREATION OF A MACON-JACKSON REGIONAL AIRPORT AUTHORITY; TO LIMIT OPERATIONS OF SOME FIXED AND ROTARY WING AIRCRAFT; AND TO CHANGE THE MEMBERSHIP OF THE JACKSON COUNTY AIRPORT AUTHORITY, placed earlier on today's Calendar upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 29, noes 19, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Swindell, Thomas and Weinstein—29.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Horton, Hunt, Jacumin, Pittenger, Presnell, Smith, Stevens, Tillman and Webster—19.

The Committee Substitute bill remains on the Calendar for tomorrow, July 21, upon third reading.

Upon motion of Senator Dannelly, seconded by Senator Clodfelter, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet tomorrow, July 21, at 11:30 A.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 20, 2005

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. 1004** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB

July 20, 2005

DEVELOPMENT INVESTMENT GRANT PROGRAM; AND TO CREATE AN ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE TO PERFORM A COMPREHENSIVE STUDY OF THE ECONOMIC DEVELOPMENT INCENTIVES.

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 AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1004, AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; AND TO CREATE AN ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE TO PERFORM A COMPREHENSIVE STUDY OF THE ECONOMIC DEVELOPMENT INCENTIVES.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:38 P.M.

ONE HUNDRED SECOND DAY

Senate Chamber
Thursday, July 21, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our heavenly father, because at eye level they see mostly pant legs and knee caps, children have learned by necessity to live in a vertical world, looking up to big people when they need help and guidance. I think as adults, we have become too accustomed to living in a horizontal world. Teach us as your children to humbly take more looks upward to you from whence comes our help and our guidance. In your holy name we pray, Amen."

July 21, 2005

The Chair grants leaves of absence for today to Senator Allran, Senator Garwood, Senator Hagan, Senator Holloman and Senator Pittenger.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, July 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore of the Senate extends privileges of the floor to Rachel Manriquez from Fuquay-Varina, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 461, AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS.

S.B. 972, AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF RELIGIOUS WORSHIP.

H.B. 655, AN ACT TO REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; AND REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT.

H.B. 896, AN ACT TO PROVIDE THE STATE BAR WITH AN APPEAL OF RIGHT FROM FINAL ORDERS OF THE DISCIPLINARY HEARING COMMISSION AND TO INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL MEMBERSHIP FEES FOR MEMBERS OF THE STATE BAR.

H.B. 1117, AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS AND TO AUTHORIZE PUBLIC HOSPITAL AUTHORITIES TO GRANT MORTGAGES TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

July 21, 2005

S.B. 338, AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE. (Became law upon ratification, July 20, 2005 - S.L. 2005-202.)

H.B. 1776, AN ACT TO PUT A MORATORIUM ON THE JACKSON COUNTY AIRPORT AUTHORITY ENTERING INTO CONTRACTS RELATING TO THE HANGAR CONSTRUCTION PROJECT. (Became law upon ratification, July 20, 2005 - S.L. 2005-203.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 21, 2005

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. 666**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS, and requests conferees.

Speaker Black has appointed:

Representative Cole, Chair
Representative Carney
Representative Saunders
Representative Daughtridge
Representative Stiller, and
Representative Sutton

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

July 21, 2005

House of Representatives
July 20, 2005

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 Amendment No. 1 to for **H.B. 1469** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, and requests conferees.

Speaker Black has appointed:

Representative Saunders, Chair
Representative Brubaker, and
Representative Cole

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 32 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, July 26, for concurrence.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 1048 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED.

Referred to the **Judiciary I Committee**.

July 21, 2005

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 734 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; ENSURE THAT COVERED PERSONS RECEIVING EXTERNAL REVIEW KNOW WHAT INFORMATION THEIR INSURER PROVIDES TO THE EXTERNAL REVIEW ORGANIZATION PERFORMING THE REVIEW; AND ELIMINATE EXTERNAL REVIEW OUTSIDE OF NORMAL BUSINESS HOURS, 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 70528, which changes the title upon concurrence to read **H.B. 734** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVEST PLANNING JURISDICTION OVER CERTAIN PROPERTY FROM THE TOWN OF NAVASSA AND VEST IT IN THE COUNTY OF BRUNSWICK, is adopted and engrossed.

Upon motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1051 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE CREATION OF A MACON-JACKSON REGIONAL AIRPORT AUTHORITY; TO LIMIT OPERATIONS OF SOME FIXED AND ROTARY WING AIRCRAFT; AND TO CHANGE THE MEMBERSHIP OF THE JACKSON COUNTY AIRPORT AUTHORITY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 26, noes 17, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Swindell, Thomas and Weinstein—26.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Goodall, Hartsell, Horton, Hunt, Jacumin, Presnell, Smith, Stevens and Tillman—17.

The Committee Substitute bill is ordered enrolled.

CONFERENCE REPORT

Senator Berger of Franklin, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 369** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT

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TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM OCCUPANCY TAX, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 369, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM OCCUPANCY TAX, House Committee Substitute Favorable 7/7/05, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/7/05, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 7/7/05, and substitute the attached Proposed Conference Committee Substitute S369-PCCS55264-MBx-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 21, 2005.

Conferees for the Senate

S/Sen. Doug Berger, Chair
S/Sen. Phil Berger
Sen. Robert Lee Holloman
S/Sen. John H. Kerr, III
S/Sen. A. B. Swindell

Conferees for the House of
Representatives

S/Rep. Lucy T. Allen, Chair
S/Rep. Nelson Cole
S/Rep. Paul Luebke
S/Rep. Henry M. Michaux, Jr.
S/Rep. Paul Miller

The text of the attached Proposed Conference Committee Substitute, PCCSS369-PCCS55264-MBx-2, which changes the title, is as follows:

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF
EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND
TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM
AND ROCKINGHAM OCCUPANCY TAXES.

July 21, 2005

The General Assembly of North Carolina enacts:

PART I. FRANKLIN COUNTY OCCUPANCY TAX.

SECTION 1.1. Occupancy Tax. – (a) Authorization and Scope. –

The Franklin County Board of Commissioners may levy a room occupancy tax of up to six percent (6%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 1.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

SECTION 1.1.(c) Distribution and Use of Tax Revenue. – Franklin County shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Franklin County Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Franklin County and shall use the remainder for tourism-related expenditures.

The following definitions apply in this Part:

- (1) Net proceeds. – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a county or to attract tourists or business travelers to the county. The term includes tourism-related capital expenditures.

SECTION 1.2. Franklin County Tourism Development Authority.

– (a) Appointment and Membership. – When the Franklin County Board of Commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget

and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the county, and at least one-half of the members must be individuals who are currently active in the promotion of travel and tourism in the county. The board of commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Franklin County shall be the ex officio finance officer of the Authority.

SECTION 1.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in this act. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

SECTION 1.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Franklin County Board of Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

PART II. EDEN OCCUPANCY TAX.

SECTION 2. Occupancy Tax. – (a) Authorization and Scope. – The Eden City Council may levy a room occupancy tax of up to two percent (2%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 2.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 2.(c) Distribution and Use of Tax Revenue. – The City of Eden shall, on a quarterly basis, remit the net proceeds of the occupancy tax levied under this Part to the Rockingham County Tourism Development Authority. The net proceeds under this Part shall be deposited into a separate Eden Account. Based on recommendations from and in consultation with the Eden City Council, the Authority shall use at least two-thirds of the funds in the Eden Account for tourism promotion and the remainder for tourism-related expenditures. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the City of Eden. None of the proceeds may be used to promote travel and tourism or for tourism-related expenditures in areas within Rockingham County that are outside of the City of Eden.

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The following definitions apply in this Part:

- (1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

PART III. REIDSVILLE OCCUPANCY TAX.

SECTION 3. Occupancy Tax. – (a) Authorization and Scope. –

The Reidsville City Council may levy a room occupancy tax of up to two percent (2%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 3.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 3.(c) Distribution and Use of Tax Revenue. – The City of Reidsville shall, on a quarterly basis, remit the net proceeds of the occupancy tax levied under this Part to the Rockingham County Tourism Development Authority. The net proceeds under this Part shall be deposited into a separate Reidsville Account. Based on recommendations from and in consultation with the Reidsville City Council, the Authority shall use at least two-thirds of the funds in the Reidsville Account for tourism promotion and the remainder for tourism-related expenditures. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the City of Reidsville. None of the proceeds may be used to promote travel and tourism or for tourism-related expenditures in areas within Rockingham County that are outside of the City of Reidsville.

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The following definitions apply in this Part:

- (1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

PART IV. DURHAM OCCUPANCY TAX.

SECTION 4.1. Section 7(a) of S.L. 2001-480, as amended by Section 1 of S.L. 2002-36, reads as rewritten:

"**SECTION 7.(a)** If a plan for financing a Performing Arts Theater has not been approved by the Durham City Council and has been disapproved by the Durham County Commissioners within ~~42~~54 months after the levy of the one percent (1%) tax authorized under Section 6(c) of this act, the county's authority to levy the one percent (1%) tax described under Section 6(c) of this act and the levy of the one percent (1%) tax described in this subsection are repealed on the first day of the second month following the ~~42-month~~54-month period.

If construction on the Performing Arts Theater has not begun within ~~42~~54 months after the levy of the one percent (1%) tax authorized under Section 6(c) of this act, the county's authority to levy the one percent (1%) tax described in Section 6(c) of this act and the levy of the one percent (1%) tax described in Section 6(c) of this act are repealed on the first day of the second month following the ~~42-month~~54-month period.

It is the goal of the General Assembly that a plan for financing the Performing Arts Theater shall be adopted within ~~42~~54 months after the levy of the one percent (1%) tax authorized under Section 6(c) of this act, and construction of the Performing Arts Theater shall begin within ~~24~~54 months of the levy of the one percent (1%) tax described in Section 6(c) of this act.

Any funds collected but not spent before the repeal date shall be redistributed to the Durham Convention and Visitors Bureau to promote travel and tourism."

SECTION 4.2. Section 9(e) of S.L. 2001-480, as amended by Section 4 of S.L. 2002-36, reads as rewritten:

"**SECTION 9.(e)** Use of Proceeds From Additional One Percent (1%) Tax After First 24 Months. – The net proceeds of the tax collected under Section 6(c)

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of this act after the first 24 months that the tax is levied shall be remitted monthly to the Durham Convention and Visitors Bureau as set out in Section 10 of this act. The Bureau shall use and distribute these net proceeds in the following priority order:

- (1) To the City of Durham, the first one million four hundred thousand dollars (\$1,400,000) collected annually to finance the debt service associated with the construction of the Performing Arts ~~Theater~~. Theater and for the design and engineering costs associated with the construction of the Theater. But no more than two million seven hundred fifty-two thousand dollars (\$2,752,000) of those proceeds may be used for design and engineering costs associated with the construction of the Theater. Until those funds are distributed to the City of Durham for that purpose, they shall be held by the Durham Convention and Visitors Bureau in a capital reserve fund as provided by Part 2 of Article 3 of Chapter 159 of the General Statutes except they may be expended as provided by the last sentence of Section 7(a) of this act if the tax is repealed as provided by Section 7(a) of this act. Any interest earned by that fund shall be credited to the fund.
- (2) Thirty-two years after the levy of the tax authorized under Section 6(c) of this act, instead of the allocation under subdivision (1) of this subsection, the first one million four hundred thousand dollars (\$1,400,000) collected annually shall be used by the Bureau to promote travel and tourism or for tourism related expenditures.
- (3) To Durham County, the next five hundred thousand dollars (\$500,000) collected annually to be used for improvements to the Museum of Life and Science. This may include the financing of debt service. Any of these funds that are not needed for this purpose shall be returned to the Bureau and used to promote travel and tourism.
- (4) The Bureau shall use any net proceeds in excess of that provided by subdivisions (1), (2), and (3) of this subsection to promote travel, tourism, and conventions in Durham County.

As used in this subsection, "annually" means the 12-month period beginning after the first 24 months that the tax authorized under Section 6(c) of this act is levied."

PART V. ROCKINGHAM COUNTY OCCUPANCY TAX.

SECTION 5. Chapter 322 of the 1991 Session Laws, as amended by Chapter 52 of the 1995 Session Laws, reads as rewritten:

"**Section 1.** Occupancy Tax. =

(a) Authorization and Scope. = The Rockingham County Board of Commissioners ~~may, by resolution, after not less than 10 days public notice and~~

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~~after a public hearing held pursuant thereto, may~~ levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by ~~educational organizations, religious organizations, or summer camps,~~ nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

(b) ~~Collection. Every operator of a business subject to the tax levied under this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

(c) ~~Administration. The county shall administer a tax levied under this act. A tax levied under this act is due and payable to the county finance officer in monthly installments on or before the fifteenth day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the fifteenth day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.~~

~~A return filed with the county finance officer under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.~~

(d) ~~Penalties. A person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due for each additional month or fraction thereof until the tax is paid. The board of commissioners may, for good cause shown, compromise or forgive the tax penalties imposed by this subsection.~~

~~Any person who willfully attempts in any manner to evade a tax imposed under this act or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.~~

(e) ~~Distribution and Use of Tax Revenue. – Rockingham County shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Rockingham County Tourism Development Authority. The Authority may~~

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~~spend funds remitted to it under this subsection only to further the development of travel, tourism, and conventions in the county through State, national, and international advertising and promotion. As used in this subsection, "net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Rockingham County and shall use the remainder for tourism-related expenditures.~~

The following definitions apply in this Part:

- (1) Net proceeds. – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a county or to attract tourists or business travelers to the county. The term includes tourism-related capital expenditures.

~~(f) Effective Date of Levy. A tax levied under this act shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, may not be earlier than July 1, 1991, and may not be earlier than the first day of the second month after the date the resolution is adopted.~~

~~(g) Repeal. A tax levied under this act may be repealed by a resolution adopted by the Rockingham County Board of Commissioners. Repeal of a tax levied under this act shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this act does not affect a liability for a tax that attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.~~

"Sec. 2. Tourism Development Authority. =

(a) Appointment and Membership. = When the board of commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act ~~and Act~~. At least one-third of the members must be individuals affiliated with businesses that collect the tax in the county, and at

least one-half of the members must be individuals currently active in the promotion of travel and tourism in the county. The Authority shall be composed of the following 12 members:

- (1) The Executive Director of the Rockingham County Economic Development Commission, who shall serve as an ex officio, nonvoting member.
- (2) A county commissioner appointed by the Rockingham County Board of Commissioners, who shall serve as an ex officio, nonvoting member.
- (3) Two owners or operators of hotels, motels, or other taxable accommodations and two individuals involved in tourist businesses who have demonstrated an interest in tourism development, appointed as follows: one by the Rockingham County Board of Commissioners and one by each chamber of commerce in Rockingham County.
- (4) Five individuals involved in businesses or professions that are concerned with or affected by tourism development in such a way that their expertise would benefit the Authority, appointed as follows: one by each chamber of commerce in Rockingham County and two by the Rockingham County Board of Commissioners.
- (5) The President of the Chinqua-Penn Foundation, Inc., who shall serve as an ex officio, nonvoting member.

All members of the Authority shall serve without compensation. Vacancies in the Authority shall be filled by the appointing authority of the member creating the vacancy. Members appointed to fill vacancies shall serve for the remainder of the unexpired term which they are appointed to fill. Except as provided in subsection (b) for initial members, members shall serve three-year terms. Members may serve no more than two consecutive terms. The members shall elect a chair from the membership of the Authority, who shall serve for a term of two years. The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Rockingham County shall be the ex officio finance officer of the Authority.

"Sec. 2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in this act. It shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

"Sec. 2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

"Sec. 3. Review of Levy and Authority.

Three years after the effective date of a tax levied under this act, the Rockingham County Board of Commissioners shall conduct a thorough review of the tax and the function of the Tourism Development Authority established under this act to determine the effectiveness of the levy and of the Authority.

"Sec. 4. This act is effective upon ratification."

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PART VI. UNIFORM PROVISIONS.**SECTION 6.1.** G.S. 153A-155(g) reads as rewritten:

"(g) This section applies only to Alleghany, Anson, Brunswick, Buncombe, Cabarrus, Camden, Carteret, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Durham, Franklin, Granville, Halifax, Madison, Montgomery, Nash, New Hanover, Pasquotank, Pender, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Transylvania, Tyrrell, Vance, and Washington Counties, and to the Township of Averagesboro in Harnett County."

SECTION 6.2. G.S. 160A-215(g) reads as rewritten:

"(g) This section applies only to Beech Mountain District W, to the Cities of -Elizabeth City, Eden, Gastonia, Goldsboro, Greensboro, High Point, Kings Mountain, Lexington, Lincolnton, Lumberton, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Shelby, Statesville, Washington, and Wilmington, to the Towns of Beech Mountain, Blowing Rock, Carolina Beach, Carrboro, Franklin, Kure Beach, Jonesville, Mooresville, North Topsail Beach, Selma, Smithfield, St. Pauls, West Jefferson, Wilkesboro, and Wrightsville Beach, and to the municipalities in Avery and Brunswick Counties."

PART VII. EFFECTIVE DATE.**SECTION 7.** This act is effective when it becomes law.

The Conference Report is placed on the Calendar for Tuesday, July 26, for adoption.

CALENDAR *(continued)*

H.B. 734 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVEST PLANNING JURISDICTION OVER CERTAIN PROPERTY FROM THE TOWN OF NAVASSA AND VEST IT IN THE COUNTY OF BRUNSWICK, placed earlier on today's Calendar.

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.

ADDITIONAL SPONSOR

Senator Goodall requests to be added as a sponsor of previously introduced legislation:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Upon motion of Senator Dannelly, seconded by Senator Apodaca, the Senate adjourns subject to receipt of messages from the House of Representatives and reading of Executive Orders, to meet Monday, July 25, at 4:30 P.M.

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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 80, Accelerating teacher and other personnel recruitment and the implementation of needed academic support programs for at-risk children in light of judicial mandates, budget developments, and impending school openings.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 692 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 26, for concurrence.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 12:13 P.M.

ONE HUNDRED THIRD DAY

Senate Chamber
Monday, July 25, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, Napoleon is supposed to have said that 'People of power merely rearrange the world, but it is only people with God's Spirit who really change it.' We know that the men and women of the Senate are people of power, but we pray that through that guidance of your spirit they will also be agents of change in the living of their lives. Amen."

The Chair grants leaves of absence for tonight to Senator Allran and Senator Holloman.

Senator Stevens announces that the Journal of Thursday, July 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.

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The Deputy President Pro Tempore extends privileges of the floor to Dr. Kevin O'Neal from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Cathy Chapman from Mebane, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1051, AN ACT TO ENABLE THE CREATION OF A MACON-JACKSON REGIONAL AIRPORT AUTHORITY; TO LIMIT OPERATIONS OF SOME FIXED AND ROTARY WING AIRCRAFT; AND TO CHANGE THE MEMBERSHIP OF THE JACKSON COUNTY AIRPORT AUTHORITY.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 1400, AN ACT TO INCREASE THE PENALTY FOR PASSING A STOPPED SCHOOL BUS AND TO MAKE SCHOOL BUS STOPS SAFER. (Became law upon approval of the Governor, July 21, 2005 - S.L. 2005-204.)

H.B. 1032, AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-205.)

H.B. 654, AN ACT TO ENHANCE THE CONFIDENTIAL TREATMENT OF INSURANCE MARKET CONDUCT ANALYSIS AND FINANCIAL ANALYSIS FILES. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-206.)

S.B. 748, AN ACT TO AMEND THE PROCEDURE FOR IMPLEMENTING AN ORDER FOR ELECTRONIC SURVEILLANCE, TO PROVIDE THAT IN CERTAIN CIRCUMSTANCES IT IS NOT NECESSARY TO IDENTIFY THE PLACE WHERE THE COMMUNICATION WILL BE INTERCEPTED BY ELECTRONIC SURVEILLANCE, AND ALSO TO PROVIDE THE TIME FRAME WITHIN WHICH THE ELECTRONIC SURVEILLANCE IN AN UNDISCLOSED LOCATION MAY BEGIN. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-207.)

S.B. 532, AN ACT TO AGGRAVATE THE PENALTY FOR THE LARCENY, POSSESSION, OR RECEIVING OF GOODS VALUED AT MORE THAN THREE HUNDRED DOLLARS FROM A PERMITTED CONSTRUCTION SITE. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-208.)

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S.B. 577, AN ACT TO CLARIFY THAT AN UNAUTHORIZED INSURER SHALL NOT OPERATE IN THIS STATE IN ITS OWN NAME OR UNDER A "DOING BUSINESS AS" DESIGNATION AS A THIRD PARTY ADMINISTRATOR. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-209.)

H.B. 733, AN ACT TO PROVIDE FOR THE LICENSING OF STATISTICAL ORGANIZATIONS BY THE DEPARTMENT OF INSURANCE. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-210.)

S.B. 778, AN ACT AMENDING CERTAIN LAWS REGULATING PERSONS ENGAGED IN PROVIDING PRIVATE PROTECTIVE SERVICES TO ALLOW FOR PROBATIONARY EMPLOYEES AND THE REGISTRATION OF REGULAR EMPLOYEES, AND TO PROVIDE THAT A PERSON LICENSED BY THE PRIVATE PROTECTIVE SERVICES BOARD AS AN ARMED SECURITY GUARD WHO ALSO HAS AN ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT IS DEEMED TO HAVE SATISFIED THE APPROVED FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-211.)

S.B. 667, AN ACT TO VALIDATE CERTAIN SUBORDINATION AGREEMENTS AND TO CLARIFY THE LAW ON THE PRIORITY OF INSTRUMENTS REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-212.)

S.B. 879, AN ACT TO ALLOW FOR A BIDDING PREFERENCE ON STATE CONTRACTS FOR RESIDENT BIDDERS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE MAINTENANCE OF A RESIDENT BIDDER LIST. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-213.)

S.B. 666, AN ACT TO ALLOW ATTORNEYS' FEES TO BE AWARDED TO THE PREVAILING PARTY IN AN ACTION TO ENFORCE PROVISIONS OF THE ARTICLES OF INCORPORATION, DECLARATION, BYLAWS, OR RULES OF A PLANNED COMMUNITY CREATED PRIOR TO JANUARY 1, 1999, IF RECOVERY OF ATTORNEYS' FEES IS ALLOWED IN THE DECLARATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-214.)

H.B. 660, AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE FINANCIAL LAWS UNDER CHAPTER 58 OF THE GENERAL STATUTES. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-215.)

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H.B. 85, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: AIR MEDAL RECIPIENT, ALPHA PHI ALPHA FRATERNITY, ARC OF NORTH CAROLINA, AUTISM SOCIETY OF NORTH CAROLINA, BUDDY PELLETIER SURFING FOUNDATION, COASTAL CONSERVATION ASSOCIATION, COLD WAR VETERAN, CORVETTE CLUB, GUILFORD BATTLEGROUND COMPANY, MARINE CORPS LEAGUE, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL WILD TURKEY FEDERATION, NC TROUT UNLIMITED, NORTH CAROLINA AQUARIUMS, NORTH CAROLINA LIBRARIES, NORTH CAROLINA MUSEUM OF NATURAL SCIENCES, NORTH CAROLINA WILDLIFE HABITAT FOUNDATION, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, SCUBA, SHAG DANCING, SHARE THE ROAD, TARHEEL CLASSIC THUNDERBIRD CLUB, AND WATERMELON. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-216.)

S.B. 552, AN ACT TO PROVIDE AN UNAUTHORIZED INSURER AGAINST WHICH AN EMERGENCY CEASE AND DESIST ORDER HAS BEEN ISSUED TO PETITION THE DEPARTMENT OF INSURANCE FOR A HEARING ON THE MATTER AND TO APPEAL THAT DECISION TO THE SUPERIOR COURT OF WAKE COUNTY. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-217.)

S.B. 128, AN ACT ADOPTING OFFICIAL STATE DANCES. (Became law upon approval of the Governor, July 20, 2005 - S.L. 2005-218.)

Upon motion of Senator Malone, seconded by Senator Swindell, the Senate adjourns at 4:35 P.M. to meet tomorrow, July 26, at 2:00 P.M.

ONE HUNDRED FOURTH DAY

Senate Chamber
Tuesday, July 26, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Bishop Dr. George Brooks, Mt. Zion Baptist Church, Greensboro, North Carolina as follows:

"Almighty God, in the midst of our fast-paced, fever-pitched schedules when our stress is high, our tolerance is low and 24 hours a day seems too short, help us to deliberately move from self to you. Because you are the champion of justice

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and the mentor of eternal righteousness, grant us your presence, your peace, your love, your joy, your wisdom, your truth and your patience. We acknowledge that when we become more like you we consistently are our brothers' keeper, thus, reaffirming our purpose and destiny with integrity and fulfillment. We do this knowing that you give us more than we can ask, think or imagine. We forever pray in the mighty, marvelous, magnificent name of your son. Amen."

The Chair grants a leave of absence for today to Senator Allran.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, July 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Dr. Peter Lutz from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 223, A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT ALL VOTING SYSTEMS PERMIT ALL VOTERS TO VERIFY THEIR VOTES ON PAPER; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY PROVIDING CHECKS ON ELECTRONIC VOTING SYSTEM VENDORS, INCLUDING MULTIPARTY REVIEW OF SOURCE CODE, BY AUTHORIZING THE STATE BOARD OF ELECTIONS TO PROMOTE UNIFORMITY IN VOTING SYSTEMS BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, BY EMPOWERING THE STATE BOARD OF ELECTIONS TO CONTROL THE TESTING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; BY APPROPRIATING STATE FUNDS FOR VOTING SYSTEM ACQUISITION TO PREVENT IMPOSING UNFUNDED MANDATES UPON COUNTIES; AND BY APPROPRIATING FUNDS TO THE STATE BOARD OF ELECTIONS TO IMPLEMENT ITS EXPANDED DUTIES WITH REGARD TO VOTING SYSTEMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55265, which changes the title to read **S.B. 223** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR

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PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP; AND BY APPROPRIATING FUNDS TO THE STATE BOARD OF ELECTIONS TO IMPLEMENT THIS ACT, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 32 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING.

Upon motion of Senator Rand, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 27.

S.B. 369 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM AND ROCKINGHAM OCCUPANCY TAXES, for adoption upon second reading.

Upon motion of Senator Berger of Franklin, the Conference Report is adopted on second reading, by roll-call vote, ayes 40, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hunt, Jacumin, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas and Weinstein—40.

Voting in the negative: Senators Blake, Forrester, Garwood, Pittenger, Presnell, Tillman and Webster—7.

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The Conference Report remains on the Calendar for tomorrow, July 27, for adoption upon third reading.

H.B. 1466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE.

Senator Clodfelter offers Amendment No. 1 which is adopted (46-1).

The Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 692 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (46-1) and the bill is ordered enrolled and sent to the Governor.

Upon motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns subject to ratification of bills, reading of messages from the House of Representatives, and introduction of bills to meet tomorrow, July 27, at 2:00 P.M.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 580, AN ACT TO AUTHORIZE THE CITY OF BELMONT AND THE TOWN OF TROUTMAN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 1051, AN ACT TO ENABLE THE CREATION OF A MACON-JACKSON REGIONAL AIRPORT AUTHORITY; TO LIMIT OPERATIONS OF SOME FIXED AND ROTARY WING AIRCRAFT; AND TO CHANGE THE MEMBERSHIP OF THE JACKSON COUNTY AIRPORT AUTHORITY. (Became law upon ratification, July 25, 2005 - S.L. 2005-219.)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 565 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES

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BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 27, for concurrence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1789, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES BRANTLEY LAMBETH, JR., FORMER CHAPLAIN OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

Referred to the **Rules and Operations of the Senate Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Purcell:

S.J.R. 1178, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANK HOWE MCDUFFIE, SR., AND SAMMIE SELLERS MCDUFFIE, NORTH CAROLINA EDUCATORS, HUMANITARIANS, COACHES, CIVIL RIGHTS LEADERS, AND RECOGNIZING THE ESTABLISHMENT AND WORK OF THE LAURINBURG NORMAL AND INDUSTRIAL INSTITUTE, INC.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for tomorrow, July 27.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:27 P.M.

ONE HUNDRED FIFTH DAY

Senate Chamber
Wednesday, July 27, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Associate Justice Paul Newby, Raleigh, North Carolina as follows:

"Dear Father, I thank you for this privilege of prayer. I thank you for the liberties and freedoms that you have bestowed upon us. Help us to be good

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stewards of your many blessings. I thank you for these men and women of our Senate who love our State and serve our people. I thank you for the willingness of each to undertake the important task of governing. I pray that you would grant each the wisdom and discernment to do what is right and best and just and true. We pray for our people, for your care for those suffering because of this heat and your provision for those unemployed. We ask for your provision for those unemployed. We ask for your protection of our service men and women and pray for the success of their mission and their safe and speedy return. Lord, I thank you for our freedom to pray and present our requests to you according to the dictates of each of our individual consciences. Accordingly, I present this in the name of Jesus. Amen."

The Chair grants leaves of absence for today to Senator Allran, Senator Basnight, Senator Graham and Senator Holloman.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, July 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 privileges of the floor to Dr. Daniel Albright from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 341, AN ACT TO ESTABLISH A MODERN INVESTMENT PROGRAM FOR THE PRUDENT AND APPROPRIATE MANAGEMENT OF THE ESCHEAT FUND, FOR THE BENEFIT OF "NEEDY AND WORTHY" STUDENTS AS PROVIDED FOR IN THE STATE CONSTITUTION.

S.B. 593, AN ACT TO EXEMPT ATTORNEYS APPOINTED TO REPRESENT INDIGENT CLIENTS FROM THE FEE CHARGED BY THE CLERK OF COURT FOR PREPARING COPIES.

S.B. 692, AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT.

S.B. 1011, AN ACT TO AUTHORIZE MUNICIPALITIES TO ISSUE REVENUE BONDS FOR THE CONSTRUCTION OF WATER TREATMENT AND RELATED FACILITIES TO BE OWNED BY A WATER AND SEWER AUTHORITY.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

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H.B. 580, AN ACT TO AUTHORIZE THE CITY OF BELMONT AND THE TOWN OF TROUTMAN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, July 26, 2005 - S.L. 2005-220.)

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 974 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 974 on Tuesday, July 19, and the motion by Senator Dannelly to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Dannelly, Chair; Senator Apodaca; Senator Clodfelter and Senator Graham as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 32 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING.

Upon motion of Senator Hoyle, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, July 28.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 26, 2005

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. 369** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM AND ROCKINGHAM OCCUPANCY TAXES.

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When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

CALENDAR (*continued*)

S.B. 1059 (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS.

Upon motion of Senator Purcell, the Conference Report is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, August 3.

S.B. 369 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM AND ROCKINGHAM OCCUPANCY TAXES, for adoption upon third reading.

Upon motion of Senator Berger of Franklin, the Conference Report is adopted on its third reading, by roll-call vote, ayes 41, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Garrou, Garwood, Goodall, Hagan, Hartsell, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—41.

Voting in the negative: Senators Brock, Forrester, Pittenger, Presnell and Webster—5.

Pursuant to the message received from the House earlier today that the House adopts the Conference report, the President orders the bill enrolled.

MESSAGE FROM THE GOVERNOR

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301**

Michael F. Easley
Governor

July 25, 2005

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

July 27, 2005

Dear Ms. Pruitt:

Pursuant to General Statute § 135-6, I hereby appoint Gloria Upperman to the North Carolina Teachers' and State Employees' Retirement System Board of Trustees and submit her name pending consideration of consent by the North Carolina Senate. Her term is effective immediately pending confirmation and will expire March 31, 2007.

Enclosed is biographical information. Please feel free to call on Ms. Upperman or members of my office of Boards and Commissions if you need additional information.

With kindest regards, I remain

Very truly yours,



Michael F. Easley

MFE/afa
Enclosure

cc: The Honorable Beverly Perdue
The Honorable James Black
The Honorable Marc Basnight
Ms. Denise Weeks

Referred to the **Pensions & Retirement and Aging Committee.**

CALENDAR *(continued)*

S.J.R. 1178. A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANK HOWE MCDUFFIE, SR., AND SAMMIE SELLERS MCDUFFIE, NORTH CAROLINA EDUCATORS, HUMANITARIANS, COACHES, CIVIL RIGHTS LEADERS, AND RECOGNIZING THE ESTABLISHMENT AND WORK OF THE LAURINBURG NORMAL AND INDUSTRIAL INSTITUTE, INC.

Upon motion of Senator Purcell, the joint resolution is read in its entirety.

The joint resolution passes its second reading (46-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Purcell the Chair extends the courtesies of the gallery to Frank McDuffie, President & grandson of the founders of the Laurinburg Institute; Cynthia McDuffie, Principal; Antionette, Frances and Torie McDuffie, granddaughters of the founders; Dr. Thomas Jones and John Russell, Board Members; Charles Harris, Sammie Gee & Anzell Harrell, Alumni Association of Scotland Co.; and other employees and alumni.

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S.B. 565 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

H.J.R. 841, A JOINT RESOLUTION HONORING THE MEMORY OF THADDEUS LOVE ON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF WARSAW, referred to the **Rules and Operations of the Senate Committee** on April 12.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, August 2, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, August 2.

H.J.R. 1789, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES BRANTLEY LAMBETH, JR., FORMER CHAPLAIN OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES, referred to the **Rules and Operations of the Senate Committee** on July 26.

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, July 28, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for tomorrow, July 28.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Clayton M. Bennett, Raleigh; Alexandra Berger, Cary; Michael Brady, Durham; Warren Wendell Chancellor, Charlotte; Colleen Doorhy, Sanford; Mary Katherine Dowd, Edenton; John Andrew Flynt, Stokesdale; Anna Ryan Galvin, Gastonia; Nicole S. Green, Garner; Emily Frances Kelly, Raleigh; Emily Lewis, Raleigh; Joshua Paul Miller, Wake Forest; David Franklin Mofford, Hickory; Brandon Edward Norman, Charlotte; Olutoni Oyelowo, Wake Forest; Kaila D. Ramsey, Franklin; Kendall Ricardo Roberts, Charlotte; Robert Cooper Smith, Burlington; James Harold Smith III, Burlington; Sterling Stratton Story,

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Raleigh; Jennifer Austin Wadsworth, Selma; Katherine Elizabeth Wadsworth, Selma; Megan Whitney Wall, Newport; Elizabeth Lea Walters, Fairmont; Joseph Wilson Watson, Raleigh; and Aaron Blake Yeargin, Virginia Beach, VA.

Upon motion of Senator Dannelly, seconded by Senator Dalton, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports and ratification of bills, to meet tomorrow, July 28, at 11:00 A.M.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hagan for the **Appropriations/Base Budget Committee**:

S.B. 1039 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN PENALTIES FOR COMMITTING SECOND-DEGREE RAPE OR SECOND-DEGREE SEXUAL OFFENSE AND TO MAKE FIRST-DEGREE RAPE AND FIRST-DEGREE SEX OFFENSES APPLICABLE WHERE THE VICTIM IS MENTALLY DISABLED, MENTALLY INCAPACITATED, OR PHYSICALLY HELPLESS, 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, 55267, is adopted and engrossed.

S.B. 1117 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 65359, is adopted and engrossed.

S.B. 1156 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA DAIRY STABILIZATION AND GROWTH FUND TO PROVIDE CRITICAL SUPPORT FOR THE NORTH CAROLINA DAIRY INDUSTRY, 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, 75351, is adopted and engrossed.

S.B. 223 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING

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STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP; AND BY APPROPRIATING FUNDS TO THE STATE BOARD OF ELECTIONS TO IMPLEMENT THIS ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 55269, which changes the title to read **S.B. 223** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP, is adopted and engrossed.

S.B. 1161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL REGISTRY OF AVAILABLE BEDS IN MENTAL HEALTH FACILITIES TO ASSIST IN THE PLACEMENT OF INDIVIDUALS INVOLUNTARILY COMMITTED TO THE FACILITIES, 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, 15260, which changes the title to read **S.B. 1161** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL LISTING OF

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MENTAL HEALTH FACILITIES DESIGNATED TO ASSIST IN THE PLACEMENT OF INDIVIDUALS TO BE INVOLUNTARILY COMMITTED AND REQUIRE AREA AUTHORITIES TO MAINTAIN A CRISIS RESPONSE SERVICE, 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 27, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 974**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, and requests conferees, Speaker *Pro Tempore* Morgan appoints:

Representative Gibson, Chair
Representative Cunningham
Representative Owens, and
Representative Tucker

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 629 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 28, for concurrence.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 6:04 P.M.

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ONE HUNDRED SIXTH DAY

Senate Chamber
Thursday, July 28, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O God, you have given us freedom to direct our minds and order our behavior. Help us recall how we are using that freedom. We confess that sometimes, by second rate thinking, we have made excuses and rationalized what is wrong. We have yielded to the easier way, confusing what we want with what is best. So today, examine our motives and inspire us to set our sights high and use our God-given freedom by a standard we can respect. For your sake we pray, Amen."

The Chair grants leaves of absence for today to Senator Graham and Senator Pittenger.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, July 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore of the Senate extends privileges of the floor to Dr. Abayomi Osunkoya from Jacksonville, North Carolina, who is serving the Senate as Doctor of the Day.

The President Pro Tempore, extends privileges of the floor to The Honorable Rachel Gray, former Senator from Guilford County.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 408 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE AND THE NUMBER OF SUSPENDED STUDENTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, August 1, for concurrence.

S.B. 420 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA AND TO ALLOW

July 28, 2005

THE TOWN OF RED CROSS TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2, 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.

S.B. 686 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY ON THE PREMISES, AND (2) STORED AND SOLD BEHIND A PHARMACY COUNTER IN RETAIL ESTABLISHMENTS WITH A PHARMACY ON THE PREMISES; TO PROVIDE THAT RETAILERS OF PSEUDOEPHEDRINE PRODUCTS MAINTAIN CONTINUOUS SURVEILLANCE OF AREAS INVOLVING PSEUDOEPHEDRINE TRANSACTIONS IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO ESTABLISH THE NORTH CAROLINA METHAMPHETAMINE ABUSE TASK FORCE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO PROVIDE THAT STEALING A PRODUCT THAT CONTAINS PSEUDOEPHEDRINE IS FELONY LARCENY; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, August 1, for concurrence.

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H.B. 1515 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE A CRIMINAL BACKGROUND CHECK OF ALL STUDENTS ADMITTED INTO A SCHOOL OF MEDICINE AT A NORTH CAROLINA INSTITUTION OF HIGHER EDUCATION.

Referred to the **Judiciary I Committee** and upon a favorable report re-referred to **Finance Committee**.

H.B. 1775 (Committee Substitute No. 2), 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**.

WITHDRAWAL FROM CALENDAR

S.B. 408 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE AND THE NUMBER OF SUSPENDED STUDENTS.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from the Calendar of Monday, August 1, and is placed on the Calendar for Tuesday, August 2.

S.B. 686 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY ON THE PREMISES, AND (2) STORED AND SOLD BEHIND A PHARMACY COUNTER IN RETAIL ESTABLISHMENTS WITH A PHARMACY ON THE PREMISES; TO PROVIDE THAT RETAILERS OF PSEUDOEPHEDRINE PRODUCTS MAINTAIN CONTINUOUS SURVEILLANCE OF AREAS INVOLVING PSEUDOEPHEDRINE TRANSACTIONS IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO ESTABLISH THE NORTH CAROLINA

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METHAMPHETAMINE ABUSE TASK FORCE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO PROVIDE THAT STEALING A PRODUCT THAT CONTAINS PSEUDOEPHEDRINE IS FELONY LARCENY; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from the Calendar of Monday, August 1, and is placed on the Calendar for Tuesday, August 2.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

S.B. 194, 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 75333, which changes the title to read **S.B. 194** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE EXPENDITURE OF MEDICAID FUNDS FOR THE PURCHASE OR PROVISION OF MEDICATIONS FOR THE TREATMENT OF ERECTILE DYSFUNCTION, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 565, AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE.

S.B. 592, AN ACT TO MAKE TECHNICAL REVISIONS TO THE LAW GOVERNING INDIGENT DEFENSE AND ENTITLEMENT TO COUNSEL.

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S.B. 594, AN ACT TO AMEND THE LAW GOVERNING RECOUPMENT FOR LEGAL SERVICES PROVIDED TO INDIGENT PERSONS WHO ARE FINANCIALLY ABLE TO PAY A PORTION OF THE VALUE OF THOSE SERVICES.

S.B. 832, AN ACT TO ALLOW WRECKERS TO TAKE DISABLED VEHICLES UP TO FIFTY MILES FOR REPAIR, PARKING, OR STORAGE.

S.B. 961, AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

The Enrolling Clerk reports the following bill and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 369, AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM AND ROCKINGHAM OCCUPANCY TAXES.

S.J.R. 1178, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANK HOWE MCDUFFIE, SR., AND SAMMIE SELLERS MCDUFFIE, NORTH CAROLINA EDUCATORS, HUMANITARIANS, COACHES, CIVIL RIGHTS LEADERS, AND RECOGNIZING THE ESTABLISHMENT AND WORK OF THE LAURINBURG NORMAL AND INDUSTRIAL INSTITUTE, INC. (Res. 43)

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. 1434, AN ACT TO AUTHORIZE SERVICE OF PROCESS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE BY SIGNATURE CONFIRMATION. (Became law upon approval of the Governor, July 27, 2005 - S.L. 2005-221.)

H.B. 1280, AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE GENERAL ASSEMBLY ON STRATEGIES TO BEST UTILIZE FEDERAL FUNDS FOR RAIL IMPROVEMENTS SUCH AS SERVICE TO WESTERN AND SOUTHEASTERN NORTH CAROLINA AND RESTORATION OF THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR. (Became law upon approval of the Governor, July 27, 2005 - S.L. 2005-222.)

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H.B. 737, AN ACT TO REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED, LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS FOR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO FIVE; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; AMEND THE UTILIZATION REVIEW LAWS TO CLARIFY THAT SUCH LAWS PLAINLY APPLY TO INDIVIDUAL INSURANCE COVERAGE AS WELL AS GROUP COVERAGE; TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; ENSURE THAT COVERED PERSONS RECEIVING EXTERNAL REVIEW KNOW WHAT INFORMATION THEIR INSURER PROVIDES TO THE EXTERNAL REVIEW ORGANIZATION PERFORMING THE REVIEW; AND ELIMINATE EXTERNAL REVIEW OUTSIDE OF NORMAL BUSINESS HOURS. (Became law upon approval of the Governor, July 27, 2005 - S.L. 2005-223.)

S.B. 626, AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; TO PROVIDE SPECIAL ENROLLMENT PERIODS WITHOUT PENALTY FOR PERSONS ENROLLED UNDER A GROUP PLAN WHOSE COVERAGE IS TERMINATED WHEN AN INSURER DISCONTINUES WRITING A CERTAIN TYPE OF GROUP HEALTH INSURANCE COVERAGE THROUGHOUT THAT ENTIRE SMALL OR LARGE GROUP MARKET; AND TO PROVIDE CONTINUED GUARANTEED ISSUE RIGHTS TO A PERSON WHO IS HIPAA ELIGIBLE, WHO IS INSURED IN THE INDIVIDUAL MARKET, AND WHOSE INSURER DISCONTINUES WRITING A CERTAIN TYPE OF HEALTH INSURANCE COVERAGE THROUGHOUT THE ENTIRE INDIVIDUAL MARKET. (Became law upon approval of the Governor, July 27, 2005 - S.L. 2005-224.)

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S.B. 533, AN ACT TO REVISE AND CLARIFY THE LAW PROVIDING FOR A CHILD'S ALLOWANCE FROM A DECEDENT'S ESTATE. (Became law upon approval of the Governor, July 27, 2005 - S.L. 2005-225.)

S.B. 776, AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE SIXTEEN, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION. (Became law upon approval of the Governor, July 27, 2005 - S.L. 2005-226.)

H.B. 1332, AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES. (Became law upon approval of the Governor, July 27, 2005 - S.L. 2005-227.)

H.B. 1221, AN ACT TO ESTABLISH THE APPOINTMENT OF PARENTING COORDINATORS IN DOMESTIC CHILD CUSTODY ACTIONS. (Became law upon approval of the Governor, July 27, 2005 - S.L. 2005-228.)

S.B. 887, AN ACT TO REVISE THE STATUTES THAT ADDRESS STATUTORY LIENS ON REAL PROPERTY. (Became law upon approval of the Governor, July 27, 2005 - S.L. 2005-229.)

BILLS ORDERED SENT BY SPECIAL MESSAGE

Upon motion of Senator Rand, all bills ordered sent to the House of Representatives on Thursday, July 28, through adjournment of the 2005 Regular Session will be sent to the House of Representatives by special message.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 223 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY

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BOARD OF ELECTIONS RELATED TO TRAINING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP.

The Committee Substitute bill No. 2 passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1039 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN PENALTIES FOR COMMITTING SECOND-DEGREE RAPE OR SECOND-DEGREE SEXUAL OFFENSE AND TO MAKE FIRST-DEGREE RAPE AND FIRST-DEGREE SEX OFFENSES APPLICABLE WHERE THE VICTIM IS MENTALLY DISABLED, MENTALLY INCAPACITATED, OR PHYSICALLY HELPLESS.

Senator Webster offers Amendment No. 1, which he subsequently withdraws.

The Committee Substitute bill No. 2 passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1117 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT.

The Committee Substitute bill No. 2 passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

H.J.R. 933, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CAROLYN AND DOROTHY MCNAIRY, FORMER EDUCATORS, referred to the **Rules and Operations of the Senate Committee** on April 12.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

CALENDAR *(continued)*

S.B. 1156 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA DAIRY STABILIZATION AND GROWTH FUND TO PROVIDE CRITICAL SUPPORT FOR THE NORTH CAROLINA DAIRY INDUSTRY.

Senator Horton offers a motion to withdraw the Committee Substitute bill No. 2 from today's Calendar and place it on the Calendar for a day certain. The motion fails (19-28).

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The Committee Substitute bill No. 2 passes its second (37-10) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1161 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL LISTING OF MENTAL HEALTH FACILITIES DESIGNATED TO ASSIST IN THE PLACEMENT OF INDIVIDUALS TO BE INVOLUNTARILY COMMITTED AND REQUIRE AREA AUTHORITIES TO MAINTAIN A CRISIS RESPONSE SERVICE.

The Committee Substitute bill No. 2 passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

H.J.R. 1789, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES BRANTLEY LAMBETH, JR., FORMER CHAPLAIN OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

Upon motion of Senator Malone, the joint resolution is read in its entirety.

The joint resolution passes its second reading (46-0) and third reading with members standing, and is ordered enrolled.

S.B. 32 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

Upon motion of Senator Hoyle, the Senate fails to concur in the House Committee Substitute bill No. 2 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Goodall, Hagan, Hartsell, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—45.

Senator Hoyle offers a motion that the Senate appoint conferees, which motion prevails.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 629 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Snow, the Senate fails to concur in the House Committee Substitute bill (0-44).

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Senator Snow offers a motion that the Senate appoint conferees, which motion prevails. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 420 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA AND TO ALLOW THE TOWN OF RED CROSS TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Berger of Rockingham, the Senate concurs in the House Committee Substitute bill (45-0) and the bill is ordered enrolled.

H.J.R. 933, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CAROLYN AND DOROTHY MCNAIRY, FORMER EDUCATORS, placed earlier on today's Calendar.

Upon motion of Senator Hagan, 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 enrolled.

S.B. 194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE EXPENDITURE OF MEDICAID FUNDS FOR THE PURCHASE OR PROVISION OF MEDICATIONS FOR THE TREATMENT OF ERECTILE DYSFUNCTION, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives by special message.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1500 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT, THE LAW CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, AND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS.

Pursuant to the message from the House of Representatives received July 19 that the House fails to concur in the Senate Committee Substitute bill for H.B. 1500 and requests conferees, Senator Rand offers a motion that the Senate appoint conferees which motion prevails.

Senator Dannelly, Deputy President *Pro Tempore* announces the appointment of Senator Rand, Chair; Senator Hagan; Senator Hoyle 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.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 428 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT.

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Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 428 on July 19 and the motion by Senator Rand to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Rand, Chair; Senator Bingham and Senator Boseman 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

S.B. 740 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 740 on July 19 and the motion by Senator Rand to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Rand, Chair; Senator Hartsell 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 and requesting conferees.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 32 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 32 earlier today 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 Swindell and Senator Berger of Rockingham 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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APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 629 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 629 earlier today and the motion by Senator Snow to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Snow, Chair; Senator Dalton; Senator Nesbitt and Senator Hartsell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Dannelly, seconded by Senator Snow, the Senate adjourns at 12:49 P.M. to meet Monday, August 1, at 4:30 P.M.

ONE HUNDRED SEVENTH DAY

Senate Chamber
Monday, August 1, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, You are the source of all truth, wisdom, justice, and love. Lead us through this week ahead. Help us constantly to rest our lives upon the foundations of your love and presence. We are not always the persons we would like others to think we are. In fact, we are not even the persons we would like to think of ourselves as being. Hear our confession and by your grace help us to live each day not based on the expectation of others but based on your expectations of us. In Your Holy name we pray, Amen."

Senator Purcell announces that the Journal of Thursday, July 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 Deputy President Pro Tempore of the Senate extends privileges of the floor to Dr. F.P.J. Langford from Concord, North Carolina, who is serving the Senate as Doctor of the Day, and to B.J. Ellender from Oak Island, North Carolina, who is serving the Senate as Nurse of the Day.

August 1, 2005

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 324, AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT AND TO MAKE CONFORMING CHANGES TO THE OTHER ENTITY ACTS.

H.B. 1297, AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR ANY VOLUNTEER WHO SERVES IN A MEDICAL RESERVE CORPS UNIT OR ON A COMMUNITY EMERGENCY RESPONSE TEAM WHILE ENGAGED IN PROVIDING EMERGENCY SERVICES.

The Enrolling Clerk reports the following bill and resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 420, AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA AND TO ALLOW THE TOWN OF RED CROSS TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2.

H.J.R. 933, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CAROLYN AND DOROTHY MCNAIRY, FORMER EDUCATORS. (Res. 44)

H.J.R. 1789, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES BRANTLEY LAMBETH, JR., FORMER CHAPLAIN OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES. (Res. 45)

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. 421, AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE SOLICITATION OF CONTRIBUTIONS. (Became law upon approval of the Governor, July 28, 2005 - S.L. 2005-230.)

S.B. 527, AN ACT TO ENHANCE THE CAPACITY OF PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO PROTECT THE SAFETY AND WELFARE OF THEIR STUDENTS, FACULTY, AND STAFF BY ENACTING THE CAMPUS POLICE ACT. (Became law upon approval of the Governor, July 28, 2005 - S.L. 2005-231.)

August 1, 2005

S.B. 109, AN ACT TO GRANT TO DEPLOYED MILITARY PERSONNEL AN EXTENSION OF TIME WITHIN WHICH TO RENEW A CONCEALED HANDGUN PERMIT. (Became law upon approval of the Governor, July 28, 2005 - S.L. 2005-232.)

S.B. 369, AN ACT TO AUTHORIZE FRANKLIN COUNTY AND THE CITIES OF EDEN AND REIDSVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE DURHAM AND ROCKINGHAM OCCUPANCY TAXES. (Became law upon approval of the Governor, July 28, 2005 - S.L. 2005-233.)

H.B. 655, AN ACT TO REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; AND REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT. (Became law upon approval of the Governor, July 29, 2005 - S.L. 2005-234.)

S.B. 972, AN ACT TO CREATE THE CRIMINAL OFFENSE OF BREAKING OR ENTERING A BUILDING THAT IS A PLACE OF RELIGIOUS WORSHIP. (Became law upon approval of the Governor, July 29, 2005 - S.L. 2005-235.)

H.B. 329, AN ACT TO LIMIT LIABILITY ARISING FROM CERTAIN AGRITOURISM ACTIVITIES. (Became law upon approval of the Governor, July 29, 2005 - S.L. 2005-236.)

H.B. 896, AN ACT TO PROVIDE THE STATE BAR WITH AN APPEAL OF RIGHT FROM FINAL ORDERS OF THE DISCIPLINARY HEARING COMMISSION AND TO INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL MEMBERSHIP FEES FOR MEMBERS OF THE STATE BAR. (Became law upon approval of the Governor, July 29, 2005 - S.L. 2005-237.)

H.B. 1117, AN ACT TO MAKE CHANGES TO STATE AND LOCAL GOVERNMENT FINANCE LAWS AND TO AUTHORIZE PUBLIC HOSPITAL AUTHORITIES TO GRANT MORTGAGES TO FINANCE OR REFINANCE HOSPITAL FACILITIES AND EQUIPMENT. (Became law upon approval of the Governor, July 29, 2005 - S.L. 2005-238.)

S.B. 482, AN ACT TO EXEMPT LARGE INDOOR ARENAS WITH SEATING CAPACITIES GREATER THAN TWENTY-THREE THOUSAND FROM SMOKING REGULATIONS PROVIDED FOR IN ARTICLE 64 OF CHAPTER 143 OF THE GENERAL STATUTES. (Became law upon approval of the Governor, July 29, 2005 - S.L. 2005-239.)

August 1, 2005

S.B. 707, AN ACT TO CLARIFY THAT THE THIRTY-DAY DEADLINES IMPOSED UPON AGENTS AND BAIL BONDSMEN SEEKING INTERNAL ADMINISTRATIVE REVIEW OF A DENIAL OF LICENSURE AND SUBSEQUENTLY SEEKING A HEARING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL STATUTES ARE MANDATORY, NOT OPTIONAL. (Became law upon approval of the Governor, July 29, 2005 - S.L. 2005-240.)

H.B. 1004, AN ACT TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; TO ALTER THE MANNER IN WHICH ENTERPRISE TIERS ARE DESIGNATED; TO AMEND THE HEALTH INSURANCE REQUIREMENTS FOR THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM; AND TO CREATE AN ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE TO PERFORM A COMPREHENSIVE STUDY OF THE ECONOMIC DEVELOPMENT INCENTIVES. (Became law upon approval of the Governor, July 29, 2005 - S.L. 2005-241.)

H.B. 1236, AN ACT TO REPLACE THE ALLIANCE OF AMERICAN INSURERS AND NATIONAL ASSOCIATION OF INDEPENDENT INSURERS WITH THE PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA AND ONE INSURER FROM THE INDUSTRY AT LARGE SELECTED BY THE INSURER COMPANY MEMBERS OF THE BOARD AS TRADE ASSOCIATION MEMBERS WHICH MUST BE REPRESENTED ON THE BOARD OF GOVERNORS OF THE NORTH CAROLINA REINSURANCE FACILITY. (Became law upon approval of the Governor, July 29, 2005 - S.L. 2005-242.)

S.B. 1118, AN ACT TO PERMIT CERTAIN CLAIMS UNDER THE TORT CLAIMS ACT WHEN THE STATE REFUSED TO DEFEND A CIVIL ACTION BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER ON THE GROUNDS THAT THE OFFICER DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINED THAT THE OFFICER DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT. (Became law upon approval of the Governor, July 29, 2005 - S.L. 2005-243.)

S.B. 461, AN ACT TO AMEND THE LAW RELATING TO UNITRUSTS. (Became law upon approval of the Governor, July 30, 2005 - S.L. 2005-244.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 189 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES

August 1, 2005

BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, August 2, for concurrence.

S.B. 517 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ACCOUNT TRANSFERS AND AGENCY APPOINTMENTS BETWEEN AFFILIATED TRUST INSTITUTIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, August 2, for concurrence.

S.B. 519 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INTERSTATE SERVICES ON A RECIPROCAL BASIS AND TO MAKE TECHNICAL CORRECTIONS TO ARTICLE 24 AND ARTICLE 13 OF CHAPTER 53 OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, August 2, for concurrence.

Upon motion of Senator Clodfelter, seconded by Senator Snow, the Senate adjourns at 4:44 P.M. to meet tomorrow, August 2, at 2:00 P.M.

ONE HUNDRED EIGHTH DAY

Senate Chamber
Tuesday, August 2, 2005

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:

"Lord, we admit that often times money and the bottom line speak to us more loudly than the simple compassion of the heart. Help us to care, as you do, for the people with small voices who also need justice. Help us to be as attentive to the weak as we are to the strong; to the helpless as to the powerful; to those with no influence as to those with great influence. May we put our hearts into our work today. Amen."

August 2, 2005

The Chair grants leaves of absence for today to Senator Garrou, Senator Goodall, Senator Smith and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, August 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1466, AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 420, AN ACT TO ALLOW THE TOWN OF OAK RIDGE TO MAKE VOLUNTARY ANNEXATIONS WITHIN A CERTAIN DESCRIBED AREA AND TO ALLOW THE TOWN OF RED CROSS TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 FISCAL YEAR TO SHOW CONFORMANCE WITH G.S. 136-41.2. (Became law upon ratification, August 1, 2005 - S.L. 2005-245.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 1, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 428**, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT, and requests conferees, Speaker Black appoints:

Representative Hackney, Chair
Representative Stam, and
Representative Ross

August 2, 2005

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 1, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 629**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, and requests conferees, Speaker Black appoints:

Representative Goforth, Chair
Representative Rapp
Representative Walend, and
Representative Carney

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 1, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 740**, A BILL TO BE ENTITLED AN

August 2, 2005

ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES, and requests conferees, Speaker Black appoints:

Representative Culpepper, Chair
Representative Wright
Representative England
Representative Brubaker, 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 G. Weeks
Principal Clerk

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 1779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM.

Referred to the **Finance Committee**.

CONFERENCE REPORT

Senator Snow, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 629** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, submits for adoption the following report:

August 2, 2005

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 629, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, House Committee Substitute Favorable 7/27/05, submit the following report:

The Senate concurs in the House Committee Substitute with an amendment, delete the entire House Committee Substitute Favorable 7/27/05 and substitute the attached Proposed Conference Committee Substitute S629-PCCS65363-LB-1.

The House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2005.

Conferees for the Senate

Conferees for the
House of Representatives

S/John Snow, Chair
S/Martin Nesbitt
S/Walter H. Dalton
S/Fletcher L. Hartsell, Jr.

S/Bruce Goforth, Chair
S/Ray Rapp
S/Trudi Walend
S/Becky Carney

With unanimous consent, upon motion of Senator Snow, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

WITHDRAWAL FROM COMMITTEE

H.B. 327 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, referred to the **Judiciary II Committee** on June 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

H.J.R. 197, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WESLEY JONES, FORMER EDUCATOR AND INFLUENTIAL LEADER, referred to the **Rules and Operations of the Senate Committee** on May 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, August 8, which motion prevails with unanimous consent.

August 2, 2005

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, August 8.

Upon the appearance of Senator Webster in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.J.R. 841, A JOINT RESOLUTION HONORING THE MEMORY OF THADDEUS LOVE ON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF WARSAW.

Upon motion of Senator Albertson, the joint resolution is read in its entirety.

The joint resolution passes its second reading (47-0) and third reading with members standing, and is ordered enrolled.

Upon motion of Senator Albertson the President extends the courtesies of the gallery to The Honorable Winn Batten, Mayor of Warsaw.

S.B. 189 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Purcell, the Senate fails to concur in the House Committee Substitute bill No. 2 (2-45).

Senator Purcell offers a motion that the Senate appoint conferees, which motion prevails. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 408 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE AND THE NUMBER OF SUSPENDED STUDENTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Bingham, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

August 2, 2005

S.B. 517 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ACCOUNT TRANSFERS AND AGENCY APPOINTMENTS BETWEEN AFFILIATED TRUST INSTITUTIONS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to Governor.

S.B. 519 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INTERSTATE SERVICES ON A RECIPROCAL BASIS AND TO MAKE TECHNICAL CORRECTIONS TO ARTICLE 24 AND ARTICLE 13 OF CHAPTER 53 OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 686 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY ON THE PREMISES, AND (2) STORED AND SOLD BEHIND A PHARMACY COUNTER IN RETAIL ESTABLISHMENTS WITH A PHARMACY ON THE PREMISES; TO PROVIDE THAT RETAILERS OF PSEUDOEPHEDRINE PRODUCTS MAINTAIN CONTINUOUS SURVEILLANCE OF AREAS INVOLVING PSEUDOEPHEDRINE TRANSACTIONS IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO ESTABLISH THE NORTH CAROLINA METHAMPHETAMINE ABUSE TASK FORCE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO PROVIDE THAT STEALING A PRODUCT THAT CONTAINS PSEUDOEPHEDRINE IS FELONY LARCENY; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO

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PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate fails to concur in the House Committee Substitute bill (0-47).

Senator Dalton offers a motion that the Senate appoint conferees, which motion prevails. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 629 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS, placed earlier on today's Calendar, for adoption.

Upon motion of Senator Snow, the Senate adopts the Conference Report (46-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 189 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 189 earlier today and the motion by Senator Purcell to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Purcell, Chair; Senator Allran; Senator Atwater and Senator Boseman 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. 1469 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY.

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Pursuant to the message from the House of Representatives received on Wednesday, July 20, that the House fails to concur in Senate Amendment No. 1 to the Committee Substitute bill No. 2 for H.B. 1469 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore* announces the appointment of Senator Hoyle, Chair; Senator Forrester and Senator Jenkins as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 686 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY ON THE PREMISES, AND (2) STORED AND SOLD BEHIND A PHARMACY COUNTER IN RETAIL ESTABLISHMENTS WITH A PHARMACY ON THE PREMISES; TO PROVIDE THAT RETAILERS OF PSEUDOEPHEDRINE PRODUCTS MAINTAIN CONTINUOUS SURVEILLANCE OF AREAS INVOLVING PSEUDOEPHEDRINE TRANSACTIONS IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO ESTABLISH THE NORTH CAROLINA METHAMPHETAMINE ABUSE TASK FORCE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO PROVIDE THAT STEALING A PRODUCT THAT CONTAINS PSEUDOEPHEDRINE IS FELONY LARCENY; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 686 earlier today and the motion by Senator Dalton to

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appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Dalton, Chair; Senator Hartsell; Senator Rand and Senator Snow as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Christopher Craig Altman, Fuquay-Varina; Nicholas Alan Baratta, Cary; Mary Rachel Bennett, Raleigh; Cassandra Joanne Broach, Goldsboro; Zachary Ryan Carlton, Cary; David Craven, Jr., Asheboro; Whitney Faulkner, Youngsville; Marjorie Danielle Hicks, Raleigh; Stephen Litsas, Raleigh; Alexandra Lowe, Burlington; Laura Anne Lusk, Burnsville; Victoria Ma, Raleigh; Kathryn Brooke Page, Burlington; Margaret Christina Reardon, Burlington; Coty Stroud, Trenton; Margaret Ann Stubblefield, Burlington; Benjamin Theye, Chapel Hill; Thomas Christian Whitford, Wilmington; Nicholas Williams, Raleigh; Emma Marie Witman, Raleigh; and Sarah E. Woodward, Wilmington.

The Senate recesses at 2:36 P.M. to reconvene at 2:46 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Upon the appearance of Senator Garrou in the Chamber, the Chair acknowledges her presence and the leave of absence granted previously is withdrawn.

WITHDRAWAL FROM COMMITTEE

H.B. 392 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS, referred to the **Finance Committee** on July 7.

Pursuant to Rule 47(a), Senator Hoyle offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Finance Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Finance Committee** and places it before the Senate for immediate consideration.

Senator Hunt offers Amendment No. 1 which fails of adoption (19-29).

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 29, noes 19, as follows:

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Voting in the affirmative: Senators Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Hagan, Holloman, Horton, Hoyle, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Soles, Stevens, Webster and Weinstein—29.

Voting in the negative: Senators Albertson, Allran, Blake, Brock, Brown, East, Forrester, Graham, Hartsell, Hunt, Jacumin, Kerr, Pittenger, Presnell, Shaw, Snow, Swindell, Thomas and Tillman—19.

The Committee Substitute bill No. 2 remains on the Calendar for tomorrow, August 3, upon third reading.

Upon motion of Senator Basnight, seconded by Senator Atwater, the Senate adjourns at 2:54 P.M. to meet tomorrow, August 3, at 2:00 P.M.

ONE HUNDRED NINTH DAY

Senate Chamber
Wednesday, August 3, 2005

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 unwitting philosopher, former New York Yankee Catcher, Yogi Berra, was once quoted as saying, 'You should always go to other people's funerals; otherwise, they won't come to yours.' Some may think he was describing the atmosphere in the Legislature during budget negotiations. We know it's serious business, but through your spirit give the conferees fresh energy, openness to others' ideas and a good sense of humor. Amen."

The Chair grants leaves of absence for today to Senator Bingham and Senator Goodall.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, August 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

August 3, 2005

S.B. 408, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE AND THE NUMBER OF SUSPENDED STUDENTS.

S.B. 517, AN ACT TO PROVIDE FOR ACCOUNT TRANSFERS AND AGENCY APPOINTMENTS BETWEEN AFFILIATED TRUST INSTITUTIONS.

S.B. 519, AN ACT TO PROVIDE FOR INTERSTATE SERVICES ON A RECIPROCAL BASIS AND TO MAKE TECHNICAL CORRECTIONS TO ARTICLE 24 AND ARTICLE 13 OF CHAPTER 53 OF THE GENERAL STATUTES.

H.B. 253, AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ADOPT TRANSPORTATION CORRIDOR OFFICIAL MAPS, TO INCREASE THE NUMBER OF PROJECTS THE AUTHORITY MAY UNDERTAKE FROM THREE TO NINE, TO AUTHORIZE USE OF INCENTIVES IN TURNPIKE CONTRACTS, TO REQUIRE THE AUTHORITY TO CONTRACT WITH A SINGLE FIRM TO DESIGN, ACQUIRE PERMITS FOR, AND CONSTRUCT A DESCRIBED BRIDGE, TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, TO REQUIRE AN EIGHTEEN-HOUR HURRICANE EVACUATION STANDARD TO BE USED FOR BRIDGE OR HIGHWAY CONSTRUCTION, AND TO EXPEDITE CONSTRUCTION OF A REPLACEMENT FOR THE HERBERT C. BONNER BRIDGE.

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. 841, A JOINT RESOLUTION HONORING THE MEMORY OF THADDEUS LOVE ON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF WARSAW. (Res. 46)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 32**, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO

August 3, 2005

REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING, and requests conferees, Speaker Black appoints:

Representative Cole, Chair
Representative L. Allen, and
Representative Goforth

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2005

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. 1059**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS.

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

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 392 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS, upon third reading.

August 3, 2005

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 27, noes 21, as follows:

Voting in the affirmative: Senators Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Hagan, Holloman, Horton, Hoyle, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Soles, Stevens, Webster and Weinstein—27.

Voting in the negative: Senators Albertson, Allran, Blake, Brock, Brown, East, Forrester, Garwood, Graham, Hartsell, Hunt, Jacumin, Kerr, Pittenger, Presnell, Shaw, Smith, Snow, Swindell, Thomas and Tillman—21.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

S.B. 1059 (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS, for adoption.

Upon motion of Senator Purcell, the Conference Report is adopted (48-0).

Pursuant to a message received earlier today from the House of Representatives that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 32** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING, 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 32, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING, House Committee Substitute #2 Favorable 7/19/05, submit the following report:

The Senate concurs in the House committee substitute with an amendment, and the House agrees to the same:

1) Amend the bill on page 1, line 5, by adding the following immediately before the period: "AND TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP"

2) Further moves to amend the bill on page 2, line 16, by inserting the following between lines 16 and 17:

"SECTION 1.1. G.S. 58-86-85 is repealed.

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SECTION 1.2. G.S. 58-86-35 reads as rewritten:

"§ 58-86-35. Firemen's application for membership in fund; monthly payments by members; payments credited to separate accounts of ~~members~~.members; termination of membership.

Those firemen who are eligible pursuant to G.S. 58-86-25 may make application for membership to the board. Each fireman upon becoming a member of the fund shall pay the director of the fund the sum of ten dollars (\$10.00) per month. The monthly payments shall be credited to the separate account of the member and shall be kept by the custodian so it is available for payment on withdrawal from membership or retirement.

A member may elect to terminate membership in the fund at anytime and request the refund of payments previously made to the fund. However, a member's delinquency in making the monthly payments required by this section does not result in the termination of membership without such an election by the member."

SECTION 1.3. G.S. 58-86-40 reads as rewritten:

"§ 58-86-40. Rescue squad worker's application for membership in funds; monthly payments by members; payments credited to separate accounts of ~~members~~.members; termination of membership.

Those rescue squad workers eligible pursuant to G.S. 58-86-30 may apply to the board for membership. Each eligible rescue squad worker upon becoming a member shall pay the director of the fund the sum of ten dollars (\$10.00) per month. The monthly payments shall be credited to the separate account of the member and shall be kept by the custodian so it is available for payment on withdrawal from membership or retirement.

A member may elect to terminate membership in the fund at anytime and request the refund of payments previously made to the fund. However, a member's delinquency in making the monthly payments required by this section does not result in the termination of membership without such an election by the member."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 3, 2005.

Conferees for the Senate

Conferees for the House of Representatives

S/David W. Hoyle, Chair
S/A.B. Swindell
S/Phil Berger

S/Nelson Cole, Chair
S/Lucy T. Allen
S/Bruce Goforth

With unanimous consent, upon motion of Senator Hoyle, the rules are suspended and the Conference Report, which changes the title, is placed on today's Calendar for adoption, upon second reading.

August 3, 2005

CALENDAR (*continued*)

S.B. 32 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING AND TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP, placed earlier on today's Calendar for adoption.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report on its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Conference Report remains on the Calendar for tomorrow, August 4, for adoption upon third reading.

Upon motion of Senator Basnight, seconded by Senator Holloman, the Senate adjourns at 2:28 P.M. to meet tomorrow, August 4, at 1:00 P.M.

ONE HUNDRED TENTH DAY

Senate Chamber
Thursday, August 4, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"God of reconciliation, more often than we care to admit, each of us has walked away from the negotiating table at which important issues are being considered, wishing like your prophet, Nahum, that we might dance on our adversaries' graves rather than to accede to their demands. We say it's a matter of principle, but we have learned in retrospect that some things we considered

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non-negotiable were. Then having returned to the table, we discovered that the sacrifices made on both sides were in your and our neighbor's best interests. Show us how to be peacemakers today. Amen."

The Chair grants a leave of absence for today to Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, August 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends privileges of the floor to Tammy Mauney from Nebo, North Carolina, who is serving the Senate as Nurse of the Day.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 3, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 189**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS, and requests conferees, Speaker Black appoints:

Representative Weiss, Chair
Representative Glazier
Representative McAllister
Representative Martin, and
Representative Parmon

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

August 4, 2005

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 3, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 686**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY ON THE PREMISES, AND (2) STORED AND SOLD BEHIND A PHARMACY COUNTER IN RETAIL ESTABLISHMENTS WITH A PHARMACY ON THE PREMISES; TO PROVIDE THAT RETAILERS OF PSEUDOEPHEDRINE PRODUCTS MAINTAIN CONTINUOUS SURVEILLANCE OF AREAS INVOLVING PSEUDOEPHEDRINE TRANSACTIONS IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO ESTABLISH THE NORTH CAROLINA METHAMPHETAMINE ABUSE TASK FORCE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO PROVIDE THAT STEALING A PRODUCT THAT CONTAINS PSEUDOEPHEDRINE IS FELONY LARCENY; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS, and requests conferees, Speaker Black appoints:

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Representative Culpepper, Chair
Representative Ray
Representative Coates
Representative Haire
Representative Parmon, and
Representative Weiss

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 669 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL LEGISLATION THAT MADE STATE LAND SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND PERMITTED THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS ON STATE LAND WITHOUT THE APPROVAL OF THE COUNCIL OF STATE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, August 8, for concurrence.

S.B. 687 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE VOLUNTEER RESCUE/EMS FUND, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, August 8, for concurrence.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 32 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING AND TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP, for adoption upon third reading.

Upon motion of Senator Hoyle, the Senate adopts the conference report on its third reading, by roll-call vote, ayes 48, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE

S.B. 191, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, referred to the **Rules and Operations of the Senate Committee** on February 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

The Senate recesses at 1:15 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 1:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

The Senate recesses at 1:19 P.M. for the purpose of a Finance Committee meeting, subject to receipt of Committee Reports and ratification of bills to reconvene at 1:40 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 528, A BILL TO BE ENTITLED AN ACT TO EXPAND THE TYPES OF REVENUES THAT MAY BE USED TO PROVIDE ADDITIONAL

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SECURITY FOR PROJECT DEVELOPMENT FINANCING INSTRUMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65365, which changes the title to read **S.B. 528** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS, is adopted and engrossed.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 907, AN ACT REQUIRING THE SECRETARY OF ADMINISTRATION TO ADOPT RULES AND PROCEDURES TO CERTIFY HISTORICALLY UNDERUTILIZED BUSINESSES AND TO MAINTAIN A DATABASE OF THE BUSINESSES CERTIFIED.

S.B. 1059, AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS.

H.B. 392, AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS.

CONFERENCE REPORT

Senator Purcell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 189** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on S.B. 189, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE

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OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS, House Committee Substitute #2 Favorable 7/20/05, Sixth Edition Engrossed 7/28/05, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute #2 Favorable 7/20/05, Sixth Edition Engrossed 7/28/05, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute #2 Favorable 7/20/05, Sixth Edition Engrossed 7/28/05, and substitute the attached Proposed Conference Committee Substitute S189-PCCS15262-SU-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 4, 2005.

Conferees for the Senate

S/William R. Purcell, Chair
S/Austin M. Allran
S/Robert C. Atwater
S/Julia Boseman

Conferees for the
House of Representatives

S/Jennifer Weiss, Chair
S/Rick Glazier
S/Grier Martin
S/Mary E. McAllister
S/Earline W. Parmon

The text of the attached Proposed Conference Committee Substitute, PCCS 189-PCCS15262-SU-1, which changes the title, is as follows:

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01 reads as rewritten:

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"§ 20-4.01. Definitions.

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

- (1a) Alcohol. – Any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.
- (1b) Alcohol Concentration. – The concentration of alcohol in a person, expressed either as:
 - a. Grams of alcohol per 100 milliliters of blood; or
 - b. Grams of alcohol per 210 liters of breath.

The results of a defendant's alcohol concentration determined by a chemical analysis of the defendant's breath or blood shall be reported to the hundredths. Any result between hundredths shall be reported to the next lower hundredth.
- (1c) All-Terrain Vehicle or ATV. – A motorized off-highway vehicle designed to travel on three or four low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control.
- (4e)(1d) Business District. – The territory prescribed as such by ordinance of the Board of Transportation."

SECTION 2. Article 3 of Chapter 20 is amended by adding a new Part to read:

"Part 10C. Operation of All-Terrain Vehicles.

"§ 20-171.10. Age restrictions.

(a) It is unlawful for any parent or legal guardian of a person less than eight years of age to knowingly permit that person to operate an all-terrain vehicle.

(b) It is unlawful for any parent or legal guardian of a person less than 12 years of age to knowingly permit that person to operate an all-terrain vehicle with an engine capacity of 70 cubic centimeter displacement or greater.

(c) It is unlawful for any parent or legal guardian of a person less than 16 years of age to knowingly permit that person to operate an all-terrain vehicle with an engine capacity greater than 90 cubic centimeter displacement.

(d) It is unlawful for any parent or legal guardian of a person less than 16 years of age to knowingly permit that person to operate an all-terrain vehicle unless the person is under the continuous visual supervision of a person 18 years of age or older while operating the all-terrain vehicle.

(e) Subsections (b) and (c) of this section do not apply to any parent or legal guardian of a person born on or before August 15, 1997, who permits that person to operate an all-terrain vehicle and who establishes proof that the parent or legal guardian owned the all-terrain vehicle prior to August 15, 2005.

"§ 20-171.11. Passengers.

No operator of an all-terrain vehicle shall carry a passenger, except on those vehicles specifically designed by the manufacturer to carry passengers in addition to the operator.

"§ 20-171.12. Prohibited acts by sellers.

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No person shall knowingly sell or offer to sell an all-terrain vehicle:

- (1) For use by a person under the age of eight years.
- (2) With an engine capacity of 70 cubic centimeter displacement or greater for use by a person less than 12 years of age.
- (3) With an engine capacity of greater than 90 cubic centimeter displacement for use by a person less than 16 years of age.

"§ 20-171.13. Equipment requirements.

Every all-terrain vehicle sold, offered for sale, or operated in this State shall meet the following equipment standards:

- (1) It shall be equipped with a brake system maintained in good operating condition.
- (2) It shall be equipped with an effective muffler system maintained in good working condition.
- (3) It shall be equipped with a United States Forest Service qualified spark arrester maintained in good working condition.

"§ 20-171.14. Prohibited acts by owners and operators.

(a) No person shall operate an all-terrain vehicle unless the person wears eye protection and a safety helmet meeting United States Department of Transportation standards for motorcycle helmets.

(b) No owner shall authorize an all-terrain vehicle to be operated contrary to this Part.

(c) No person shall operate an all-terrain vehicle while under the influence of alcohol, any controlled substance, or a prescription or nonprescription drug that impairs vision or motor coordination.

(d) No person shall operate an all-terrain vehicle in a careless or reckless manner so as to endanger or cause injury or damage to any person or property.

(e) Except as otherwise permitted by law, no person shall operate an all-terrain vehicle on any public street, road, or highway except for purposes of crossing that street, road, or highway.

(f) Except as otherwise permitted by law, no person shall operate an all-terrain vehicle at anytime on an interstate or limited-access highway.

(g) No person shall operate an all-terrain vehicle during the hours of darkness, from one-half hour after sunset to one-half hour before sunrise and at anytime when visibility is reduced due to insufficient light or atmospheric conditions, without displaying a lighted headlamp and taillamp, unless the use of lights is prohibited by other applicable laws.

"§ 20-171.15. Safety training and certificate.

Effective October 1, 2006, every all-terrain vehicle operator born on or after January 1, 1990, shall possess a safety certificate indicating successful completion of an all-terrain vehicle safety course sponsored or approved by the All-Terrain Vehicle Safety Institute.

"§ 20-171.16. Penalties.

Any person violating any of the provisions of this Part shall be responsible for an infraction and may be subject to a fine of not more than two hundred dollars (\$200.00).

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"§ 20-171.17. Exceptions.

(a) The provisions of this Part do not apply to any owner, operator, lessor, or renter of a farm or ranch, or that person's employees or immediate family or household members, when operating an all-terrain vehicle while engaged in farming operations.

(b) The provisions of this Part do not apply to any person using an all-terrain vehicle for hunting or trapping purposes if the person is otherwise lawfully engaged in those activities."

SECTION 3. This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.

The Conference Report is placed on the Calendar for Monday, August 8, for adoption.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee:**

S.B. 191, 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 35260, which changes the title to read **S.B. 191** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL AUGUST 11, 2005, AT THE LEVEL IN EFFECT ON JUNE 30, 2005, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on the Calendar for immediate consideration.

Senator Berger of Rockingham offers Amendment No. 1 which is adopted (34-15).

Senator Berger of Rockingham offers Amendment No. 2 which is adopted (46-3).

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

The Senate recesses at 2:38 P.M. to reconvene at 4:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

The Chair grants leaves of absence for the remainder of today's session to Senator Jenkins and Senator Weinstein.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 4, 2005

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. 32** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING AND TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP.

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

Pursuant to the Senate having adopted the Conference Report for S.B. 32 earlier today, the President orders the bill enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 4, 2005

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. 189** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD

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BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 98 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, August 8, for concurrence.

S.B. 191 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL AUGUST 11, 2005, AT THE LEVEL IN EFFECT ON JUNE 30, 2005, 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 the Calendar for immediate consideration.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (25-21) and the measure is ordered enrolled and sent to the Governor, by special message.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns subject to ratification of bills, to meet Monday, August 8, at 7:00 P.M.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

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S.B. 191, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL AUGUST 11, 2005, AT THE LEVEL IN EFFECT ON JUNE 30, 2005.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:50 P.M.

ONE HUNDRED ELEVENTH DAY

Senate Chamber
Monday, August 8, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, in response to a lame man's request for a few pennies, Peter responded, 'I don't have any silver and gold, but such as I have I give you.' Then Peter healed the man. That is an interesting story as the Senate prepares to debate the State's budget. We know that all of life's needs cannot be met by line items in budgets. Yet we know the futility of trying to meet needs without money. As the attention of the Senate turns to the passage of a budget, help us to remember that the best gift we may offer is that of ourselves and understanding. As was the case with Peter and the man he healed, neither the giver nor the recipient will be impoverished. Amen."

The Chair grants leaves of absence for tonight to Senator Bingham, Senator Hartsell and Senator Jacumin.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, August 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 32, AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR

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SUCH PROPERTY WITH AN AD VALOREM TAX CEILING AND TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP.

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. 191, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL AUGUST 11, 2005, AT THE LEVEL IN EFFECT ON JUNE 30, 2005. (Became law upon approval of the Governor, August 4, 2005 - S.L. 2005-246.)

S.B. 565, AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE. (Became law upon approval of the Governor, August 4, 2005 - S.L. 2005-247.)

S.B. 832, AN ACT TO ALLOW WRECKERS TO TAKE DISABLED VEHICLES UP TO FIFTY MILES FOR REPAIR, PARKING, OR STORAGE. (Became law upon approval of the Governor, August 4, 2005 - S.L. 2005-248.)

S.B. 1011, AN ACT TO AUTHORIZE MUNICIPALITIES TO ISSUE REVENUE BONDS FOR THE CONSTRUCTION OF WATER TREATMENT AND RELATED FACILITIES TO BE OWNED BY A WATER AND SEWER AUTHORITY. (Became law upon approval of the Governor, August 4, 2005 - S.L. 2005-249.)

S.B. 592, AN ACT TO MAKE TECHNICAL REVISIONS TO THE LAW GOVERNING INDIGENT DEFENSE AND ENTITLEMENT TO COUNSEL. (Became law upon approval of the Governor, August 4, 2005 - S.L. 2005-250.)

S.B. 593, AN ACT TO EXEMPT ATTORNEYS APPOINTED TO REPRESENT INDIGENT CLIENTS FROM THE FEE CHARGED BY THE CLERK OF COURT FOR PREPARING COPIES. (Became law upon approval of the Governor, August 4, 2005 - S.L. 2005-251.)

S.B. 341, AN ACT TO ESTABLISH A MODERN INVESTMENT PROGRAM FOR THE PRUDENT AND APPROPRIATE MANAGEMENT OF THE ESCHEAT FUND, FOR THE BENEFIT OF "NEEDY AND WORTHY" STUDENTS AS PROVIDED FOR IN THE STATE CONSTITUTION. (Became law upon approval of the Governor, August 5, 2005 - S.L. 2005-252.)

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S.B. 961, AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND. (Became law upon approval of the Governor, August 5, 2005 - S.L. 2005-253.)

S.B. 594, AN ACT TO AMEND THE LAW GOVERNING RECOUPMENT FOR LEGAL SERVICES PROVIDED TO INDIGENT PERSONS WHO ARE FINANCIALLY ABLE TO PAY A PORTION OF THE VALUE OF THOSE SERVICES. (Became law upon approval of the Governor, August 5, 2005 - S.L. 2005-254.)

S.B. 692, AN ACT TO AUTHORIZE THE GREEN SQUARE PROJECT. (Became law upon approval of the Governor, August 5, 2005 - S.L. 2005-255.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 644 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER CERTAIN CLASSIFICATION AND COMPENSATION RELATED PROVISIONS OF THE STATE PERSONNEL ACT, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, August 9, for concurrence.

S.B. 1130 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL INSTITUTIONS.

Referred to the **Judiciary II Committee**.

H.B. 688 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS.

Referred to the **Agriculture/Environment/Natural Resources Committee**, and upon a favorable report re-referred to the **Finance Committee**.

CALENDAR

Bills and a resolution on tonight's Calendar are taken up and disposed of, as follows:

S.B. 98 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD

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CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS.

Upon motion of Senator Kinnaird, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, August 10.

S.B. 528 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Graham, Hagan, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—43.

Voting in the negative: Senators Brock, Goodall, Pittenger and Webster—4.

The Committee Substitute bill remains on the Calendar for tomorrow, August 9, upon third reading.

H.J.R. 197, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WESLEY JONES, FORMER EDUCATOR AND INFLUENTIAL LEADER.

Upon motion of Senator Malone, the joint resolution is read in its entirety.

The joint resolution passes its second reading (47-0) and third reading with members standing, and is ordered enrolled.

S.B. 669 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL LEGISLATION THAT MADE STATE LAND SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND PERMITTED THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS ON STATE LAND WITHOUT THE APPROVAL OF THE COUNCIL OF STATE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (43-4) and the measure is ordered enrolled and sent to the Governor.

S.B. 687 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE VOLUNTEER RESCUE/EMS FUND, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kerr, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

CONFERENCE REPORT

Senator Garrou, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 622** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO

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MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE, 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 622, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES; TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS AS RECOMMENDED BY THE

August 8, 2005

STATE BOARD; TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE DENR STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN CRIMINAL ACTIONS FOR THE SUPPLEMENTAL PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE EXCISE TAX ON CIGARETTES BY 25¢ A PACK BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND CIGARS TO 6% BEGINNING JULY 1, 2005; TO EQUALIZE THE GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HMOS AT 1.9% BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON ENTERTAINMENTS AND MOVIES AT 7%; TO PROVIDE A TAX CREDIT EQUAL TO 15% OF QUALIFYING EXPENSES FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO PROVIDE FOR A TAX CREDIT OF UP TO \$400.00 PER EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH INSURANCE COVERAGE FOR EMPLOYEES; TO SET THE INSURANCE REGULATORY CHARGE AT 5.5%; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION AT 0.12%; TO SET THE NEWBORN SCREENING FEE AT \$14.00; TO SET NUMEROUS FEES IN THE DHHS, DIVISION OF FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO INCREASE THE CAP FOR CAMA PERMIT FEES TO \$800.00; TO INCREASE GENERAL COURT FEES FOR CRIMINAL CASES BY \$9.50; TO INCREASE COURT FEES FOR CIVIL CASES BY \$10.00; TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION OF ESTATES AND TRUSTS TO \$6,000; TO INCREASE THE FEE FOR EXPUNCTION TO \$125.00; TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO \$75.00; TO INCREASE BUTNER PROPERTY TAXES TO A RATE OF 25¢ PER \$100.00 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK; TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES; AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES BY RULE, House Committee Substitute #2 Favorable 6/15/05, Seventh Edition Engrossed 6/16/05, submit the following report:

The Senate concurs in the House Committee Substitute #2 Favorable 6/15/05, Seventh Edition Engrossed 6/16/05, with an amendment:

Delete the entire House Committee Substitute #2 Favorable 6/15/05, Seventh Edition Engrossed 6/16/05, and substitute the attached Proposed Conference Committee Substitute S622-CCSLTxf-4.

The House agrees to the same.

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The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 8, 2005.

Conferees for the Senate

S/Linda Garrou, Co-Chair
 S/Walter H. Dalton, Co-Chair
 S/Kay R. Hagan, Co-Chair
 S/Charles W. Albertson
 S/Bob Atwater
 S/Doug Berger
 S/Julia Boseman
 S/Daniel G. Clodfelter
 S/Janet Cowell
 S/Charlie Smith Dannelly
 S/Katie G. Dorsett
 S/Malcolm Graham
 S/Robert Lee Holloman
 S/David W. Hoyle
 S/Clark Jenkins
 S/John H. Kerr III
 S/Eleanor Kinnaird
 S/Jeanne Hopkins Lucas
 S/Vernon Malone
 S/Martin L. Nesbitt, Jr.
 S/William R. Purcell
 S/Tony Rand
 S/Larry Shaw
 S/John Snow
 S/R. C. Soles, Jr.
 S/A. B. Swindell
 S/Scott Thomas
 S/David F. Weinstein

Conferees for the House of
 Representatives

S/James W. Crawford, Jr.,
 Co-Chair
 S/Beverly M. Earle, Co-Chair
 S/Edd Nye, Co-Chair
 S/Bill Owens, Co-Chair
 Martha B. Alexander
 Pryor Gibson
 Paul Luebke
 William L. Wainwright
 S/Bill Culpepper
 S/W. Pete Cunningham
 S/Joe Hackney
 S/Henry M. Michaux, Jr.
 S/Thomas E. Wright
 S/Paul Miller
 S/Arthur Williams
 S/Maggie Jeffus
 S/Joe P. Tolson
 S/Douglas Y. Yongue
 S/Larry M. Bell
 S/Rick Glazier
 S/Marvin W. Lucas
 S/Larry Womble
 Alma Adams
 S/Becky Carney
 S/Margaret Highsmith Dixon
 S/Susan C. Fisher
 S/Bruce Goforth
 S/Earline W. Parmon
 S/Verla Insko
 S/Bernard Allen
 S/Alice L. Bordsen
 S/Bob England
 S/Jean Farmer-Butterfield
 S/Marian N. McLawhorn
 S/Jennifer Weiss
 S/R. Phillip Haire
 S/Hugh Holliman
 S/Ray Rapp
 S/Deborah K. Ross

August 8, 2005

S/Ronnie Sutton
S/Howard J. Hunter, Jr.
S/Edith D. Warren
S/Walter G. Church, Sr.
S/Jim Harrell III
S/Dewey L. Hill
S/Russell E. Tucker
Alice Graham Underhill
S/Lorene Coates
S/Nelson Cole
S/Lucy T. Allen
Linda Coleman
S/Earl Jones
Mary E. McAllister
S/Drew Saunders

(The full text of the Conference Committee Substitute can be found in the 2005 Session Laws-Chapter 276.)

The Conference Report is placed on the Calendar for tomorrow, August 9, for adoption upon second reading.

CALENDAR *(continued)*

S.B. 189 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS, for adoption.

Upon motion of Senator Purcell, the Conference Report is adopted (32-15).

Pursuant to a message received Thursday, August 4, from the House of Representatives that the House has adopted the report of the Conferees, the bill is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 175, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Finance Committee** on May 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **State & Local Government Committee**.

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SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Tracey M. Barnes, Raleigh; Alyssia Faith Blalock, Raleigh; Katie Lynn Brill, Manteo; Thomas Erwin Draper, Raleigh; William James Eldridge, Hickory; Paris Furst, Wilmington; Benjamin Hudson Goldsmith, Raleigh; Mary Catherine Hollowell, Goldsboro; Wallis Fleming Hutchens, Lenoir; Logan Joldersma, Advance; Evan Thomas Jones, Raleigh; Erika Lynne Kiser, Cramerton; Kathryn Lorbacher, Raleigh; Thomas Preston Mahaffey, Lenoir; Mary Virginia Mayo, Goldsboro; Ashlea Elizabeth McBride, Monroe; Hogan Medlin, Eden; Ashley Mills, Raleigh; Warith Farad Muhammad, Jr., Winston-Salem; Matthew Erik Whittenberg, Huntersville; and Christopher David Wiles, Prospect Hill.

Upon motion of Senator Dannelly, seconded by Senator Berger of Rockingham, the Senate adjourns at 7:54 P.M. to meet tomorrow, August 9, at 4:00 P.M.

ONE HUNDRED TWELFTH DAY

Senate Chamber
Tuesday, August 9, 2005

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:

"O God, often when we ask for your direction during the proceedings of the Senate, it is more a polite, distant acknowledgement of your presence everywhere than your existence here. Today we could not be more earnest in our request that you be an active participant not only in what is said, but also in the thoughts that preceded our words. Amen."

The Chair grants a leave of absence for today to Senator Jacumin.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, August 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 AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

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S.B. 189, AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS.

S.B. 669, AN ACT TO REPEAL LEGISLATION THAT MADE STATE LAND SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND PERMITTED THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS ON STATE LAND WITHOUT THE APPROVAL OF THE COUNCIL OF STATE.

S.B. 687, AN ACT TO AMEND THE LAW GOVERNING THE VOLUNTEER RESCUE/EMS FUND.

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. 197, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WESLEY JONES, FORMER EDUCATOR AND INFLUENTIAL LEADER. (Res. 47)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 528 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 5, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators Brock, East, Goodall, Pittenger and Webster—5.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

August 9, 2005

S.B. 644 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER CERTAIN CLASSIFICATION AND COMPENSATION RELATED PROVISIONS OF THE STATE PERSONNEL ACT, 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 (48-1) and the measure is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 422, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RESIDENTS OF FORSYTH COUNTY TO FISH IN THE WATERS OF TRIAD PARK WITHOUT A FISHING LICENSE, with a favorable report.

H.B. 1012, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF STATE-RECOGNIZED INDIAN TRIBES TO HUNT, TRAP, OR FISH ON TRIBAL LANDS WITHOUT OBTAINING A LICENSE ISSUED BY THE WILDLIFE RESOURCES COMMISSION, with a favorable report.

H.B. 1395, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROHIBITING THE BAITING OF BLACK BEAR, with a favorable report.

S.B. 948, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE BOATING SAFETY AND VESSEL TITLING 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 65369, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM, 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 50480, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

August 9, 2005

By Senator Kerr for the **Finance Committee**:

H.B. 1775 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report.

Upon motion of Senator Kerr, the Committee Substitute bill No. 2 is referred to the **Appropriations/Base Budget Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 1493 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY, referred to the **Judiciary I Committee** on June 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Health Care Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Health Care Committee**.

The Senate recesses at 4:26 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 E. Perdue, Lieutenant Governor.

The Senate recesses at 5:06 P.M. to reconvene at 5:22 P.M. subject to reading of messages from the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 9, 2005

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representative Glazier has been added as a conferee to House Committee Substitute for **S.B. 686**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL

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NOT BE OFFERED FOR SELF- SERVICE SALES, BUT SHALL BE: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY ON THE PREMISES, AND (2) STORED AND SOLD BEHIND A PHARMACY COUNTER IN RETAIL ESTABLISHMENTS WITH A PHARMACY ON THE PREMISES; TO PROVIDE THAT RETAILERS OF PSEUDOEPHEDRINE PRODUCTS MAINTAIN CONTINUOUS SURVEILLANCE OF AREAS INVOLVING PSEUDOEPHEDRINE TRANSACTIONS IN RETAIL ESTABLISHMENTS WITHOUT A PHARMACY; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO ESTABLISH THE NORTH CAROLINA METHAMPHETAMINE ABUSE TASK FORCE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO PROVIDE THAT STEALING A PRODUCT THAT CONTAINS PSEUDOEPHEDRINE IS FELONY LARCENY; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS.

Respectfully,
S/Denise G. Weeks
Principal Clerk

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

The Senate recesses at 5:38 P.M. to reconvene at 8:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

August 9, 2005

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 476, A BILL TO BE ENTITLED AN ACT RELATING TO THE BOUNDARY SETTLEMENT BETWEEN WILSON AND GREENE COUNTIES AND PERTAINING TO CERTAIN REAL PROPERTY RECORDS IN THOSE COUNTIES, with a favorable report.

H.B. 689 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD AND BEVERAGES TAX BY VOTE OF THE PEOPLE, with a favorable report.

H.B. 705, A BILL TO BE ENTITLED AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS, with a favorable report.

H.B. 803 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO CHARGE AND COLLECT A LATE FILING FEE FOR LICENSEES THAT APPLY FOR RENEWAL OF THE LICENSE AFTER THE LICENSE HAS EXPIRED AND TO ELIMINATE SUPPLEMENTAL LICENSING BY THE MANUFACTURED HOUSING BOARD, with a favorable report.

H.B. 819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY, with a favorable report.

H.B. 988 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE HIGHWAY USE TAXES AS A FACTOR IN DETERMINING THE TRUE VALUE IN MONEY OF MOTOR VEHICLES FOR PROPERTY TAX PURPOSES, with a favorable report.

H.B. 1281 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS, with a favorable report.

H.B. 1507, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS UNDER THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSURE ACT, TO EXPAND THE GROUP OF PERSONS WHO MAY OBTAIN A PROVISIONAL LICENSE UNDER THE ACT, AND TO AUTHORIZE THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD TO ASSESS CIVIL PENALTIES, with a favorable report.

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S.B. 505, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO LOCAL MEDICAL EXAMINERS FOR EACH INVESTIGATION CONDUCTED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55275, is adopted and engrossed.

H.B. 736, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES, 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 10387, which changes the title upon concurrence to read **H.B. 736** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES AND REPEALING THE SUNSET ON PROVISIONS RELATING TO TRAVEL DISTANCE BETWEEN PUBLIC USE TOILETS IN MALLS, is adopted and engrossed.

H.B. 766, A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30357, is adopted and engrossed.

S.B. 881 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE PENALTIES FOR OPERATING A MOTOR VEHICLE WITHOUT HAVING IN FULL FORCE AND EFFECT A LIABILITY INSURANCE POLICY PROVIDING FINANCIAL RESPONSIBILITY, 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, 55276, is adopted and engrossed.

H.B. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR 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 30359, which changes the title upon concurrence to read **H.B. 105** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND

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RELATED STATUTES, AND TO ALLOW INTERSTATE PASSENGER AIR CARRIERS A REFUND OF SALES AND USE TAXES ON FUEL, is adopted and engrossed.

H.B. 890 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A CRIME LABORATORY OPERATED BY A LOCAL GOVERNMENT, 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 80445, is adopted and engrossed.

H.B. 945 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEVY OF ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES IN CASWELL COUNTY, THE CITIES OF EDEN AND REIDSVILLE, THE TOWNS OF BENSON, BOILING SPRINGS, KENLY, AND YANCEYVILLE, AND TO AMEND OCCUPANCY TAXES IN DURHAM, HALIFAX, SELMA, AND SMITHFIELD; AND TO CLARIFY THE AUTHORITY OF THE COUNTY OF DURHAM TO ENTER INTO PUBLIC-PRIVATE PROJECTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70544, which changes the title upon concurrence to read **H.B. 945** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEVY OF ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES IN THE TOWNS OF BENSON, BOILING SPRINGS, AND KENLY, TO AMEND THE OCCUPANCY TAXES IN CLAY COUNTY, HALIFAX, SELMA, AND SMITHFIELD AND TO AUTHORIZE THE TOWN OF CLAYTON TO HOLD AN ADVISORY REFERENDUM ON ELECTING SOME MEMBERS OF ITS TOWN COUNCIL BY DISTRICT AND SOME AT LARGE, is adopted and engrossed.

H.B. 1429 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, TO REQUIRE THE DESIGNATION OF A PRIMARY SOURCE FOR THE IMPORTATION OF WINE INTO THE STATE, TO CLARIFY THE LAW CONCERNING SPLIT-CASE FEES, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE, 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 80440, which changes the title upon concurrence to read **H.B. 1429** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, TO CLARIFY THE LAW CONCERNING SPLIT-CASE FEES, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE, is adopted and engrossed.

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H.B. 1779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30358, is adopted and engrossed.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed today for introduction, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1179, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT MONROE "BOB" DAVIS, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

The joint resolution is placed on the Calendar for Thursday, August 11.

Upon motion of Senator Dannelly, seconded by Senator Albertson, the Senate adjourns at 11:09 P.M. with the Conference Report for S.B. 622 remaining on the Calendar to meet tomorrow, August 10, at 2:00 P.M.

ONE HUNDRED THIRTEENTH DAY

Senate Chamber
Wednesday, August 10, 2005

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, this is a story as prayer worth rehearing during these days of debate in the Senate. Two teams eyed the clear cup sitting on the table in front of them. It contained water to the mid-point of the cup. The debate began. Was the glass half full or half empty. After an hour of spirited, articulate argument, no team had a clear advantage. Then from the audience an elderly woman walked up to the table. The debate captains asked incredulously, 'Well, what do you have to offer? Is it half full or half empty?' The old woman quickly replied, 'It depends on whether you're drinking or pouring.' Then she sat down. Though the debate was still unsolved, the woman had offered something more important: a new perspective. We know and respect that some issues are non-debatable for the members here. But other decisions might be made easier when viewed from a fresh new perspective. Who will step up to the table? Amen."

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The Chair grants a leave of absence for today to Senator Jacumin.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, August 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.

CALENDAR

A bill on today's Calendar as unfinished business is taken up and disposed of, as follows:

S.B. 622 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

Upon motion of Senator Garrou, the President orders, without objection, the Conference Report temporarily displaced.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 644, AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER CERTAIN CLASSIFICATION AND COMPENSATION RELATED PROVISIONS OF THE STATE PERSONNEL ACT.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Holloman for the **State & Local Government Committee**:

H.B. 601 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE CAROLINA LAKES PROPERTY OWNERS' ASSOCIATION IN HARNETT COUNTY, with a favorable report.

H.B. 820 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LENGTHEN THE FOX TRAPPING SEASON IN PERSON COUNTY AND TO ELIMINATE THE SEASON BAG LIMITS ON THAT SEASON, with a favorable report.

H.B. 922 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FILLING OF VACANCIES IN THE OFFICES OF REGISTER

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OF DEEDS, SHERIFF, AND COUNTY COMMISSIONER IN BEAUFORT COUNTY SHALL BE IN ACCORDANCE WITH GENERAL LAW, with a favorable report.

H.B. 1010 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN WILSON AND ORANGE COUNTIES, with a favorable report.

H.B. 1047, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WRIGHTSVILLE BEACH TO ALLOW THE TOWN TO APPOINT A BOARD OF ADJUSTMENT AS PROVIDED BY GENERAL LAW, with a favorable report.

H.B. 1052, A BILL TO BE ENTITLED AN ACT TO PERMIT TRASH TRUCKS WHILE COLLECTING GARBAGE TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS IN BRUNSWICK COUNTY, with a favorable report.

H.B. 1034 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80446, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF MOTOR VEHICLE OIL FILTERS, RIGID PLASTIC CONTAINERS, AND WOODEN PALLETS IN LANDFILLS, with a favorable report.

H.B. 1095, A BILL TO BE ENTITLED AN ACT TO MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30361, which changes the title upon concurrence to read **H.B. 1095** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH UNIFORM CRITERIA FOR DRINKING WATER, WASTEWATER, AND STORMWATER LOANS AND GRANTS, TO CLARIFY AND REVISE THE PROCEDURES THAT APPLY TO THESE LOANS AND GRANTS TO REFLECT THE EXHAUSTION OF THE 1998 CLEAN WATER BOND PROCEEDS, AND TO PROVIDE FOR GREATER COORDINATION AMONG AGENCIES THAT MAKE LOANS AND GRANTS FOR WATER PROJECTS BY ESTABLISHING THE WATER INFRASTRUCTURE COMMISSION, is adopted and engrossed.

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Upon motion of Senator Albertson, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1316, A BILL TO BE ENTITLED AN ACT ADOPTING THE FRASER FIR AS THE OFFICIAL CHRISTMAS TREE OF THE STATE OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30364, which changes the title upon concurrence to read **H.B. 1316** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE FRASER FIR AS THE OFFICIAL CHRISTMAS TREE OF THE STATE OF NORTH CAROLINA AND THE SOUTHERN APPALACHIAN BROOK TROUT AS THE OFFICIAL FRESHWATER TROUT OF NORTH CAROLINA, is adopted and engrossed.

H.B. 1029 (Committee Substitute), A BILL TO BE ENTITLED AN ACT FACILITATING THE ESTABLISHMENT OF MUNICIPAL PROGRAMS TO CLEAR STREAMS BY CLARIFYING A MUNICIPALITY'S LIABILITY FOR SUCH ACTIONS, 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 10390, which changes the title upon concurrence to read **H.B. 1029** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT FACILITATING THE ESTABLISHMENT OF LOCAL GOVERNMENT PROGRAMS TO CLEAR STREAMS BY CLARIFYING LOCAL GOVERNMENT LIABILITY FOR SUCH ACTIONS, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

H.B. 1327 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE, with a favorable report.

Upon motion of Senator Purcell, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

H.B. 1493 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY, with a favorable report.

H.B. 613 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY, 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 10391, is adopted and engrossed.

Upon motion of Senator Purcell, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF MARKUPS OF ANATOMIC PATHOLOGY SERVICES BY PHYSICIANS, HOSPITALS, DENTISTS, AND PODIATRISTS, 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 60523, is adopted and engrossed.

H.B. 855 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH STATEWIDE NUTRITION STANDARDS FOR SCHOOL MEALS, A LA CARTE FOODS AND BEVERAGES, AND THE AFTER SCHOOL SNACK PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND, 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 30363, is adopted and engrossed.

By Senator Lucas for the **Education/Higher Education Committee**:

S.B. 779, A BILL TO BE ENTITLED AN ACT TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT TRI-COUNTY COMMUNITY COLLEGE BY WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE COMMUNITY COLLEGE TUITION AND TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE UNIVERSITY TUITION, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 182, 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.

Pursuant to Rule 43, the bill is re-referred to the **Pensions & Retirement and Aging Committee**.

H.B. 485 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN EXISTING CHARTER SCHOOL TO ELECT TO

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PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

H.B. 1414 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING, with a favorable report.

H.B. 911 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM AND ADDITIONAL END-OF-COURSE TESTS EXCEPT AS REQUIRED BY FEDERAL 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 80447, which changes the title upon concurrence to read **H.B. 911** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM, is adopted and engrossed.

H.B. 1310 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT STUDENTS TO USE THEIR SAT SCORES OR PRAXIS I SCORES TO QUALIFY FOR ADMISSION TO TEACHER EDUCATION PROGRAMS, 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 70548, is adopted and engrossed.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1469** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, 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 1469, A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, Committee Substitute #2 Favorable 5/19/05, Fourth Edition Engrossed 5/26/05 submit the following report:

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The Senate recedes from Senate Amendment Number 1, and the Senate and House of Representatives agree to the following amendment:

On page 1, line 22, rewrite that line to read:

"occurring in the dedicated public street or public right-of-way. Nothing in this section shall relieve the developer of the property of responsibilities under G.S. 136-102.6."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 9, 2005.

Conferees for the Senate

Conferees for the
House of Representatives

S/Sen. David W. Hoyle, Chair
S/Sen. James Forrester
S/Sen. Clark Jenkins

S/Rep. Drew Saunders, Chair
S/Rep. Harold J. Brubaker
S/Rep. Nelson Cole

Upon motion of Senator Hoyle, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 926 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONCEAL THE DEATH OF A PERSON, with a favorable report.

H.B. 1243 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING A LONGER NOTICE PERIOD FOR A TERMINATION OF A TENANCY FOR THE RENTAL SPACE FOR RESIDENTIAL MANUFACTURED HOMES, with a favorable report.

H.B. 1436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SENTENCING COMMISSION TO STUDY AND MAKE RECOMMENDATIONS REGARDING EVIDENCE THAT A MURDER WAS COMMITTED IN VIOLATION OF A VALID DOMESTIC VIOLENCE PROTECTIVE ORDER AS AN AGGRAVATING FACTOR IN CAPITAL SENTENCING, with a favorable report.

H.B. 1375 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATING TO CHILD SUPPORT

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ENFORCEMENT IN ORDER TO CLARIFY AND ENHANCE THOSE 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 70545, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 891 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES, with a favorable report.

H.B. 1416, A BILL TO BE ENTITLED AN ACT TO MAKE TOWNS OR CITIES WHERE A RAILROAD PASSENGER TERMINUS EXISTS ELIGIBLE TO HOLD MALT BEVERAGE PERMIT ELECTIONS, with a favorable report.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1016 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISPOSITION OF A FIREARM TO PROVIDE THAT UPON ORDER OF THE APPROPRIATE COURT, A LAW ENFORCEMENT AGENCY MAY USE THE FIREARM FOR OFFICIAL USE OR MAY TRADE, EXCHANGE, OR SELL THE FIREARM TO A FEDERALLY LICENSED FIREARMS DEALER AND MAY USE THE PROCEEDS FROM THE SALE OF UNCLAIMED FIREARMS FOR LAW ENFORCEMENT PURPOSES, with a favorable report.

H.B. 888 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR COCKFIGHTING, 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, is adopted and engrossed.

H.B. 1086 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING THE JURISDICTION OF THE GENERAL ASSEMBLY POLICE AND THE OATH OF OFFICE TO REFLECT THAT CHANGE, AND TO MAKE A TECHNICAL AMENDMENT, 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 70549, is adopted and engrossed.

The Senate recesses at 2:35 P.M. to reconvene at 5:00 P.M. subject to receipt of committee reports and appointment of conferees.

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APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 666 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH OCCUPANCY VEHICLE LANE RESTRICTIONS.

Pursuant to the message from the House of Representatives received on Thursday, July 21, that the House fails to concur in the Senate Committee Substitute bill for H.B. 666 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore* announces the appointment of Senator Jenkins, Chair; Senator Malone 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.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 476, A BILL TO BE ENTITLED AN ACT RELATING TO THE BOUNDARY SETTLEMENT BETWEEN WILSON AND GREENE COUNTIES AND PERTAINING TO CERTAIN REAL PROPERTY RECORDS IN THOSE COUNTIES, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 41, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—41.

Voting in the negative: Senators Brock, East, Forrester, Garwood, Pittenger, Presnell and Webster—7.

The bill remains on the Calendar for tomorrow, August 11, upon third reading.

H.B. 945 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEVY OF ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES IN THE TOWNS OF BENSON, BOILING SPRINGS, AND KENLY, TO AMEND THE OCCUPANCY TAXES IN CLAY COUNTY, HALIFAX, SELMA, AND SMITHFIELD AND TO AUTHORIZE THE TOWN OF CLAYTON TO HOLD AN ADVISORY REFERENDUM ON ELECTING SOME MEMBERS OF ITS TOWN COUNCIL BY DISTRICT AND SOME AT LARGE, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 7, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—41.

Voting in the negative: Senators Brock, East, Forrester, Garwood, Pittenger, Presnell and Webster—7.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, August 11, upon third reading.

WITHDRAWAL FROM CALENDAR

H.B. 1493 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY.

Upon motion of Senator Purcell, the Senate Committee Substitute bill is withdrawn from the Calendar of Thursday, August 11, and is re-referred to the **Health Care Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kinnaird for the **Mental Health & Youth Services Committee**:

H.B. 1517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO CHILD CARE FACILITIES, SO AS TO CLARIFY THAT FACILITIES MAY ALSO OFFER CARE TO CHILDREN OF PART-TIME EMPLOYEES OF THE FACILITY, 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 10392, which changes the title upon concurrence to read **H.B. 1517** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO CHILD CARE FACILITIES, 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.

By Senator Soles for the **Commerce Committee**:

H.B. 665, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS, with a favorable report.

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H.B. 687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE, with a favorable report.

H.B. 810, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT, with a favorable report.

H.B. 1240 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS, with a favorable report.

H.B. 1299 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT THE COST OF REPAIR WORK CONSISTS OF WHEN DETERMINING WHETHER THE COST OF REPAIR WORK IS SUFFICIENT TO REQUIRE A MOTOR VEHICLE REPAIR SHOP TO PREPARE A WRITTEN REPAIR ESTIMATE, with a favorable report.

H.B. 1464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE LAW PROVIDING FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR CERTAIN PROJECTS OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE REPORTS ON ACTIONS TAKEN UNDER THAT LAW, with a favorable report.

H.B. 576 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70550, which changes the title upon concurrence to read **H.B. 576** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO PROHIBIT THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION SERVICES BY A STATE OR LOCAL GOVERNMENT OR BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO WHICH THE SERVICES ARE REQUIRED, is adopted and engrossed.

H.B. 669 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30365, is adopted and engrossed.

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H.B. 1261 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60526, which changes the title upon concurrence to read **H.B. 1261** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, TO CLARIFY THE AUTHORIZED EXPENDITURES FROM THE EMERGENCY TELEPHONE SYSTEM FUND, TO CAP WIRE 911 SERVICE CHARGES, AND TO STUDY ISSUES RELATED TO ARTICLE 1 OF CHAPTER 62A OF THE GENERAL STATUTES, is adopted and engrossed.

Upon motion of Senator Soles, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 1130 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL INSTITUTIONS, referred to the **Judiciary II Committee** on August 8.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Judiciary II Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Judiciary II Committee** and places it on today's Calendar.

S.B. 779, A BILL TO BE ENTITLED AN ACT TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT TRI-COUNTY COMMUNITY COLLEGE BY WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE COMMUNITY COLLEGE TUITION AND TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE UNIVERSITY TUITION, re-referred to the **Appropriations/Base Budget Committee** earlier today.

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 **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the bill to the **Education/Higher Education Committee**.

H.J.R. 1650, A JOINT RESOLUTION HONORING THE MEMORY OF ABRAHAM L. FREEDLANDER FOR HIS CONTRIBUTIONS TO HAYWOOD COMMUNITY COLLEGE, ON THE OCCASION OF THE COLLEGE'S FORTIETH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on June 6.

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Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Thursday, August 11, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Thursday, August 11.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 787 (Committee Substitute No. 4), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT BUNCOMBE, GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE, with an unfavorable report as to Committee Substitute bill No. 4, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30368, which changes the title upon concurrence to read **H.B. 787** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT BUNCOMBE, GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE; TO ALLOW DOT TO SIGN A VOLUNTARY ANNEXATION

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PETITION WITH THE TOWN OF KNIGHTDALE; TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES LOCATED PRIMARILY WITHIN THE COUNTY TO EXERCISE MOST MUNICIPAL FUNCTIONS, is adopted and engrossed.

CALENDAR (*continued*)

H.B. 689 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD AND BEVERAGES TAX BY VOTE OF THE PEOPLE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—45.

Voting in the negative: Senators East, Pittenger, Presnell and Webster—4.

The Committee Substitute bill remains on the Calendar for tomorrow, August 11, upon third reading.

H.B. 422, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RESIDENTS OF FORSYTH COUNTY TO FISH IN THE WATERS OF TRIAD PARK WITHOUT A FISHING LICENSE.

The bill passes its second (49-0) and third readings and is ordered enrolled.

S.B. 98 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill (31-17) and the bill is ordered enrolled.

H.B. 105 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AND TO ALLOW INTERSTATE PASSENGER AIR CARRIERS A REFUND OF SALES AND USE TAXES ON FUEL.

Senator Clodfelter offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 48, noes 1, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—48.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, August 11, upon third reading.

H.B. 736 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES AND REPEALING THE SUNSET ON PROVISIONS RELATING TO TRAVEL DISTANCE BETWEEN PUBLIC USE TOILETS IN MALLS.

Senator Rand offers Amendment No. 1 which is adopted (48-0), and changes the title upon concurrence to read **H.B. 736** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES, BY REPEALING THE SUNSET ON PROVISIONS RELATING TO TRAVEL DISTANCE BETWEEN PUBLIC USE TOILETS IN MALLS, AND BY CLARIFYING THAT CERTAIN ELECTRIC GENERATING FACILITIES ARE NOT PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS.

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: Senators Brock and Webster—2.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, August 11, upon third reading.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Purcell for the **Health Care Committee**:

H.B. 1493 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION

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ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY, 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 70547, which changes the title upon concurrence to read **H.B. 1493** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY, is adopted and engrossed.

CALENDAR (*continued*)

H.B. 766 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA.

The President rules that the Senate Committee Substitute bill does not require a call of the roll.

The Senate Committee Substitute bill passes its second reading (49-0) and 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. 803 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO CHARGE AND COLLECT A LATE FILING FEE FOR LICENSEES THAT APPLY FOR RENEWAL OF THE LICENSE AFTER THE LICENSE HAS EXPIRED AND TO ELIMINATE SUPPLEMENTAL LICENSING BY THE MANUFACTURED HOUSING BOARD.

The President rules that the Committee Substitute bill does not require a call of the roll.

The Committee Substitute bill passes its second reading (49-0) and third reading (49-0) and is ordered enrolled and sent to the Governor.

H.B. 890 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A CRIME LABORATORY OPERATED BY A LOCAL GOVERNMENT, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, August 11, upon third reading.

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WITHDRAWAL FROM COMMITTEE

H.B. 320, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OF STATE-OWNED REAL PROPERTY ENCOMPASSING THE DOROTHEA DIX HOSPITAL CAMPUS WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on March 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the bill to the **Appropriations/Base Budget Committee**.

CALENDAR (*continued*)

H.B. 1281 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senators East and Webster—2.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, August 11, upon third reading.

H.B. 1779 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senators Shaw and Webster—2.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, August 11, upon third reading.

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S.B. 505 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO LOCAL MEDICAL EXAMINERS FOR EACH INVESTIGATION CONDUCTED.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 881 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE PENALTIES FOR OPERATING A MOTOR VEHICLE WITHOUT HAVING IN FULL FORCE AND EFFECT A LIABILITY INSURANCE POLICY PROVIDING FINANCIAL RESPONSIBILITY.

The Committee Substitute bill No. 2 passes its second reading (48-1).

Senator Brown objects to third reading of the measure. Pursuant to Rule 50, the President orders the Committee Substitute bill No. 2 placed on the Calendar for tomorrow, August 11, upon third reading.

H.B. 705, A BILL TO BE ENTITLED AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS.

Without objection, Senator Jenkins requests to be excused from voting on the bill due to a conflict of interest.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY.

The Committee Substitute bill passes its second (34-15) and third readings and is ordered enrolled and sent to the Governor.

H.B. 988 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE HIGHWAY USE TAXES AS A FACTOR IN DETERMINING THE TRUE VALUE IN MONEY OF MOTOR VEHICLES FOR PROPERTY TAX PURPOSES.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1012, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF STATE-RECOGNIZED INDIAN TRIBES TO HUNT, TRAP, OR FISH ON TRIBAL LANDS WITHOUT OBTAINING A LICENSE ISSUED BY THE WILDLIFE RESOURCES COMMISSION.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1395, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROHIBITING THE BAITING OF BLACK BEAR.

The bill passes its second (48-1) and third readings and is ordered enrolled and sent to the Governor.

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H.B. 1429 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, TO CLARIFY THE LAW CONCERNING SPLIT-CASE FEES, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE.

Upon motion of Senator Kerr, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 1507, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS UNDER THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSURE ACT, TO EXPAND THE GROUP OF PERSONS WHO MAY OBTAIN A PROVISIONAL LICENSE UNDER THE ACT, AND TO AUTHORIZE THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD TO ASSESS CIVIL PENALTIES.

The bill passes its second reading (46-3).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, August 11, upon third reading.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following joint resolutions filed for introduction are read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1180, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, AND PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (47-2) and third readings and is ordered sent to the House of Representatives by special message.

By Senator Rand:

S.J.R. 1181, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF HOWARD N. LEE, MELISSA BARTLETT, AND SHIRLEY EAST HARRIS TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION.

Referred to the **Education/Higher Education Committee**.

The Senate recesses at 6:25 P.M. for the purpose of an Education/Higher Education Committee meeting to reconvene at 6:30 P.M.

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RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 10, 2005

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. 622** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 10, 2005

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. 1469** (Conference Report), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

August 10, 2005

Respectfully,
S/Denise G. Weeks
Principal Clerk

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 670 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES IN ORDER TO COMPLY WITH FEDERAL 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 50484, is adopted and engrossed.

H.B. 1174 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS REGARDING THE ISSUANCE AND REVOCATION OF PERMITS AT LOCATIONS THAT ARE OR BECOME UNSUITABLE TO HOLD ABC PERMITS, 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 60529, is adopted and engrossed.

H.B. 1284 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE REAL ESTATE LICENSING 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 30366, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1539 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT RELATING TO ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA AND TO CREATE A PANEL TO DETERMINE WHETHER UNIVERSITY ACTIVITIES VIOLATE 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 70552, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

S.B. 1013 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL

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CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO COST RECOVERY UNDER THE LAWS REGULATING GENERAL CONTRACTORS, with a favorable report.

H.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, with a favorable report.

H.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE POWERS OF THE BRUNSWICK AIRPORT COMMISSION AND TO AUTHORIZE LOCAL AIRPORT AUTHORITIES TO BORROW MONEY, with a favorable report.

H.B. 1357 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ACUPUNCTURE LICENSING BOARD TO EMPLOY CERTAIN PROFESSIONAL ADVISORS; TO CLARIFY QUALIFICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL, AND INACTIVE, SUSPENDED, EXPIRED, AND LAPSED LICENSES; TO CLARIFY CONTINUING EDUCATION; AND TO INCREASE AND ESTABLISH CERTAIN FEES, with a favorable report.

S.B. 348 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON, with a favorable report as to concurrence.

S.B. 344, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35263, which changes the title to read **S.B. 344** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FOSTER ECONOMIC GROWTH IN NORTH CAROLINA BY LOWERING THE INDIVIDUAL AND CORPORATE INCOME TAX RATES AND PROVIDING FOR OTHER TAX RELIEF, is adopted and engrossed.

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H.B. 646, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES TO ENHANCE EFFICIENT ADMINISTRATION OF FEE COLLECTION AND PROCESSING, 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 60527, which changes the title upon concurrence to read **H.B. 646** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES, TO REQUIRE DOMESTIC INSURANCE COMPANIES TO MAINTAIN LIABILITY COVERAGE FOR CLAIMS AGAINST THE COMPANY'S OFFICERS AND DIRECTORS, AND TO AUTHORIZE THE DEPARTMENT OF INSURANCE TO HIRE A MEDICARE LOOKOUT PROGRAM COORDINATOR WITH FEDERAL GRANT FUNDING, is adopted and engrossed.

S.B. 208 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA OCCUPATIONAL THERAPY PRACTICE ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE CEILING ON ITS FEES, 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, 15264, which changes the title to read **S.B. 208** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA OCCUPATIONAL THERAPY PRACTICE ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE FEE FOR A LIMITED PERMIT, is adopted and engrossed.

S.B. 774 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS, 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, 85291, is adopted and engrossed.

S.B. 1087 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERSONS WITH A REVOKED DRIVERS LICENSE TO OBTAIN A LIMITED DRIVING PRIVILEGE, 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, 35261, which changes the title to read **S.B. 1087** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE, is adopted and engrossed.

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H.B. 691 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARRBORO TO LEVY A MOTOR VEHICLE TAX NOT TO EXCEED TWENTY-FIVE DOLLARS, 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 50482, which changes the title upon concurrence to read **H.B. 691** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARRBORO TO LEVY A MOTOR VEHICLE TAX NOT TO EXCEED TWENTY-FIVE DOLLARS AND RELATING TO THE IMPOSITION OF A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION BY THE TOWN OF BLACK MOUNTAIN, is adopted and engrossed.

H.B. 1169 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INVESTMENT OF STATE AND LOCAL FUNDS IN NORTH CAROLINA FINANCIAL INSTITUTIONS, 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 60524, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1469 (Conference Report), A BILL TO BE ENTITLED AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY, placed earlier on today's Calendar for adoption.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report (49-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1517 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO CHILD CARE FACILITIES, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second reading (49-0).

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the President orders the Senate Committee Substitute bill placed on the Calendar for tomorrow, August 11, upon third reading.

S.B. 1130 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL INSTITUTIONS, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate fails to concur in the House Committee Substitute bill (0-49).

Senator Albertson offers a motion that the Senate appoint conferees, which motion prevails.

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H.B. 1429 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, TO CLARIFY THE LAW CONCERNING SPLIT-CASE FEES, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second reading (41-7).

Senator Horton objects to third reading of the measure. Pursuant to Rule 50, the President orders the Senate Committee Substitute bill placed on the Calendar for tomorrow, August 11, upon third reading.

S.B. 622 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, temporarily displaced earlier.

Senator Horton respectfully requests that the Chair rule the conference report for S.B. 622 out-of-order for consideration pursuant to Senate Rule 57. The Chair rules that the conference report for S.B. 622 is appropriately before the Senate for consideration. Senator Horton offers a motion to appeal the ruling of the Chair and calls for the ayes and noes. The motion to appeal the ruling of the Chair fails (20-29) as follows:

Voting in the affirmative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Horton, Hunt, Pittenger, Presnell, Smith, Stevens, Tillman and Webster—20.

Voting in the negative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Swindell, Thomas and Weinstein—29.

For the record, Senator Webster states that he objects to the process.

Senator Weinstein announces a pair vote. If Senator Jacumin were present, he would vote "no"; Senator Weinstein votes "aye".

The Conference Report is adopted on its second reading, by roll-call vote, ayes 28, noes 20, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Swindell and Thomas—28.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Horton, Hunt, Pittenger, Presnell, Smith, Stevens, Tillman and Webster—20.

The Conference Report remains on the Calendar for tomorrow, August 11, for adoption upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 99, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE "FIRST IN FORESTRY" PLATES WITH A SPECIAL BACKGROUND, referred to the **Finance Committee** on March 16.

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Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Commerce Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1130 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL INSTITUTIONS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1130 earlier today and the motion by Senator Albertson to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Albertson, Chair; Senator Cowell; Senator Forrester 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 and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Cowell, the Senate adjourns at 7:51 P.M. subject to receipt of Conference Reports and Committee Reports, to meet tomorrow, August 11, at 2:00 P.M.

ONE HUNDRED FOURTEENTH DAY

Senate Chamber
Thursday, August 11, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by the son of the late former Senator Robert M. Davis, Sr., The Reverend Jonathan Davis, Summit Baptist Church, Charleston, South Carolina as follows:

"Father, thank you for the privilege and honor to be a part of such an esteemed body and, Lord, I thank you for these women and men and I pray for them that you would give them divine wisdom in all that they are doing, especially during this time when there is a lot of pressure, a lot of things going on, a lot of work load, a lot of hours. But, Father, I thank you, the rewards are great and may you bless them in a mighty way and we will commit to give you all the glory. Thank you again for the wonderful opportunity we have to serve you. Thank you for these public servants because we know that all institutions

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have been put forth by you. We pray this and we thank you and we glorify you in the matchless name I pray of Jesus Christ. Amen."

The Chair grants a leave of absence for today to Senator Jacumin.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, August 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.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 705, AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS.

H.B. 803, AN ACT TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO CHARGE AND COLLECT A LATE FILING FEE FOR LICENSEES THAT APPLY FOR RENEWAL OF THE LICENSE AFTER THE LICENSE HAS EXPIRED AND TO ELIMINATE SUPPLEMENTAL LICENSING BY THE MANUFACTURED HOUSING BOARD.

H.B. 819, AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY.

H.B. 988, AN ACT TO EXCLUDE HIGHWAY USE TAXES AS A FACTOR IN DETERMINING THE TRUE VALUE IN MONEY OF MOTOR VEHICLES FOR PROPERTY TAX PURPOSES.

H.B. 1012, AN ACT TO ALLOW MEMBERS OF STATE-RECOGNIZED INDIAN TRIBES TO HUNT, TRAP, OR FISH ON TRIBAL LANDS WITHOUT OBTAINING A LICENSE ISSUED BY THE WILDLIFE RESOURCES COMMISSION.

H.B. 1395, AN ACT TO AMEND THE LAW PROHIBITING THE BAITING OF BLACK BEAR.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 98, AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS.

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H.B. 422, AN ACT TO PROVIDE FOR RESIDENTS OF FORSYTH COUNTY TO FISH IN THE WATERS OF TRIAD PARK WITHOUT A FISHING LICENSE.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1279 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SPEEDING TO ELUDE ARREST STATUTES TO CLARIFY THE PROXIMATE CAUSE REQUIREMENT WHEN THE OFFENSE RESULTS IN DEATH, with a favorable report.

H.B. 1227, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10394, which changes the title upon concurrence to read **H.B. 1227** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT AND TO AMEND MOTOR VEHICLE FRANCHISE LAWS, is adopted and engrossed.

H.B. 1295 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MAXIMUM WEIGHT OF A MOTOR VEHICLE THAT IS SUBJECT TO THE NEW MOTOR VEHICLES WARRANTIES ACT AND TO PROMOTE THE EXPEDITIOUS SETTLEMENT OF CLAIMS WHEN THE CONSUMER REQUESTS THE MANUFACTURER TO REPURCHASE THE MOTOR VEHICLE, 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 30371, is adopted and engrossed.

H.B. 1404 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LAW ENFORCEMENT OFFICERS TO SERVE PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60532, is adopted and engrossed.

H.B. 1491 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE LIABILITY INSURANCE FOR SCHOOL SOCIAL WORKERS WHO TRANSPORT STUDENTS, 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 70553, is adopted and engrossed.

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By Senator Holloman for the **State & Local Government Committee**:

H.B. 328 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE AND THE TOWNS OF BEAUFORT AND SOUTHERN SHORES TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWNS OF DUCK, KILL DEVIL HILLS, KITTY HAWK, AND NAGS HEAD TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, TO ALLOW THE TOWN OF ST. JAMES TO EXERCISE PLANNING JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND TO ALLOW EXTRATERRITORIAL PLANNING JURISDICTION IN 2010, TO EXEMPT THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN ABC STORE IN BRUNSWICK COUNTY BE LOCATED NO CLOSER THAN SEVEN MILES FROM A MUNICIPALITY WITH AN EXISTING ABC STORE, TO ADD WASHINGTON COUNTY TO THE COUNTIES IN WHICH IT IS ILLEGAL TO REMOVE OR DESTROY AN ELECTRONIC DOG COLLAR, AND TO AUTHORIZE THE TOWN OF MATTHEWS TO ADOPT AND ENACT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THAT TOWN, 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 50483, which changes the title upon concurrence to read **H.B. 328** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE AND THE TOWNS OF BEAUFORT AND SOUTHERN SHORES TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWNS OF DUCK, KILL DEVIL HILLS, KITTY HAWK, AND NAGS HEAD TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, TO ALLOW THE TOWN OF ST. JAMES TO EXERCISE PLANNING JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND TO ALLOW EXTRATERRITORIAL PLANNING JURISDICTION IN 2010, TO EXEMPT THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN ABC STORE IN BRUNSWICK COUNTY BE LOCATED NO CLOSER THAN SEVEN MILES FROM A MUNICIPALITY WITH AN EXISTING ABC STORE, TO ADD WASHINGTON COUNTY TO THE COUNTIES IN WHICH IT IS ILLEGAL TO REMOVE OR DESTROY AN ELECTRONIC DOG COLLAR, AND TO AUTHORIZE THE TOWN OF MATTHEWS TO ADOPT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT,

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AND PRESERVATION OF TREES WITHIN THAT TOWN, AND TO VALIDATE ELECTIONS AND ACTIONS OF THE PAMLICO COUNTY BOARD OF EDUCATION, AND TO CHANGE THE OFFICE OF TAX COLLECTOR IN HENDERSON COUNTY FROM ELECTIVE TO APPOINTIVE, AND TO RECONFIRM AND VALIDATE NONPARTISAN ELECTIONS FOR THE ELIZABETH CITY-PASQUOTANK BOARD OF EDUCATION AND VALIDATE ACTIONS OF THAT BOARD, AND TO AUTHORIZE THE TOWN OF BLADENBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, AND TO CLARIFY THAT CERTAIN STATE LAND IS SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS BY THE TOWN OF SOUTHPORT WITHOUT THE APPROVAL OF THE COUNCIL OF STATE, AND TO CLARIFY THAT MOREHEAD CITY MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING AND TO AUTHORIZE THAT CITY TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION BE REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, is adopted and engrossed.

Upon motion of Senator Holloman, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1145 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROBATION IS STAYED DURING AN APPEAL FOR A TRIAL DE NOVO FROM A JUDGMENT ENTERED BY A MAGISTRATE OR DISTRICT COURT JUDGE, with a favorable report.

H.B. 1311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING DOMESTIC VIOLENCE VICTIMS TO APPLY FOR A TEMPORARY CONCEALED HANDGUN PERMIT UPON SHOWING PROOF OF A PROTECTIVE ORDER ISSUED UNDER CHAPTER 50B OF THE GENERAL STATUTES AS EVIDENCE OF AN EMERGENCY SITUATION IN ORDER TO EMPOWER DOMESTIC VIOLENCE VICTIMS TO PROTECT THEMSELVES AND THEIR FAMILIES, with a favorable report.

H.B. 723 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT THE UNIVERSITY OF NORTH CAROLINA TO OBTAIN CRIMINAL RECORD CHECKS, TO ALLOW CERTAIN FEES TO BE CHARGED FOR THE CRIMINAL RECORD CHECK, AND TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE FALSE INFORMATION THAT IS THE BASIS OF A CRIMINAL RECORD CHECK, 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 30373, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

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H.B. 1085 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEFENDANT ARRESTED FOR USING DOGS FOR FIGHTING TO POST A DEPOSIT TO THE ANIMAL SHELTER TO PAY FOR THE DOGS' KEEP DURING THE PERIOD PRIOR TO ADJUDICATION OF THE CHARGES, 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 70554, is adopted and engrossed.

H.B. 1176 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE CAP ON PROPERTY OF A JUDGMENT DEBTOR THAT IS FREE OF THE ENFORCEMENT OF THE CLAIMS OF CREDITORS, AND TO EXEMPT CERTAIN TYPES OF PROPERTY FROM ENFORCEMENT, 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 10389, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 735 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANNUAL FILING AND ACTUARIAL CERTIFICATION OF RATES FOR INSURERS PROVIDING INDIVIDUAL ACCIDENT AND HEALTH INSURANCE BENEFITS AND TO BETTER PROTECT CONSUMERS FROM THE HARMFUL IMPACT OF BLOCKS OF BUSINESS BEING CLOSED, 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 60530, is adopted and engrossed.

H.B. 768 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA, 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 10393, is adopted and engrossed.

H.B. 1541 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS, 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 30369, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 344 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FOSTER ECONOMIC GROWTH IN NORTH CAROLINA BY LOWERING THE INDIVIDUAL AND CORPORATE INCOME TAX RATES AND PROVIDING FOR OTHER TAX RELIEF.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, August 12.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Shaw for the **Transportation Committee**:

H.B. 1202, A BILL TO BE ENTITLED AN ACT TO CLARIFY ALTERNATIVE REPRESENTATION OF METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES, with a favorable report.

H.B. 1266, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT THE DEPARTMENT OF TRANSPORTATION WILL PAY AS RELOCATION ASSISTANCE FOR REASONABLE EXPENSES FOR SEARCHING FOR A REPLACEMENT BUSINESS OR FARM, AS REQUIRED BY FEDERAL REGULATION, with a favorable report.

H.B. 747 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS AND TO REQUIRE ANNUAL WORK PLANS FOR MAINTENANCE OF STATE STREETS AND HIGHWAYS WITHIN MUNICIPALITIES, 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 80450, which changes the title upon concurrence to read **H.B. 747** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS AND TO REQUIRE ANNUAL WORK PLANS FOR MAINTENANCE OF STATE STREETS AND HIGHWAYS WITHIN MUNICIPALITIES AND TO MODIFY THE

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AUTHORIZATION GIVEN FOR THE CONTRACT OF THE HERBERT C. BONNER REPLACEMENT BRIDGE PROJECT AT OREGON INLET, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF MOTOR VEHICLE OIL FILTERS, RIGID PLASTIC CONTAINERS, AND WOODEN PALLETS IN LANDFILLS.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, August 12.

Upon motion of Senator Bingham, the President extends the courtesies of the gallery to Senator Bingham's wife, Lora, and daughter, Heather.

S.J.R. 1179, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT MONROE "BOB" DAVIS, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY, is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Upon motion of Senator Brock, the joint resolution is read in its entirety.

The joint resolution passes its second reading (48-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Brock the President extends the courtesies of the gallery to Mary Anne Davis, wife of former Senator Robert M. Davis, Sr.; children, Robert M. Davis, Jr., Janet Davis Jeter, Jonathan Davis, and daughter-in-law Lynette Davis; and grandchildren, Robert M. Davis III, Victoria Austin Jeter, Joshua Drye, Mary Drye, Janet Hammond, Lauren Davis, J.D. Davis, and Josh Davis.

H.B. 476, A BILL TO BE ENTITLED AN ACT RELATING TO THE BOUNDARY SETTLEMENT BETWEEN WILSON AND GREENE COUNTIES AND PERTAINING TO CERTAIN REAL PROPERTY RECORDS IN THOSE COUNTIES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 42, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas and Weinstein—42.

Voting in the negative: Senators Brock, East, Forrester, Pittenger, Presnell, Tillman and Webster—7.

The bill is ordered enrolled.

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H.B. 689 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD AND BEVERAGES TAX BY VOTE OF THE PEOPLE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas and Weinstein—42.

Voting in the negative: Senators Brock, East, Forrester, Pittenger, Presnell, Tillman and Webster—7.

The Committee Substitute bill is ordered enrolled.

H.B. 945 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEVY OF ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES IN THE TOWNS OF BENSON, BOILING SPRINGS, AND KENLY, TO AMEND THE OCCUPANCY TAXES IN CLAY COUNTY, HALIFAX, SELMA, AND SMITHFIELD AND TO AUTHORIZE THE TOWN OF CLAYTON TO HOLD AN ADVISORY REFERENDUM ON ELECTING SOME MEMBERS OF ITS TOWN COUNCIL BY DISTRICT AND SOME AT LARGE, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas and Weinstein—42.

Voting in the negative: Senators Brock, East, Forrester, Pittenger, Presnell, Tillman and Webster—7.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM COMMITTEE

H.B. 706 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS, referred to the **Rules and Operations of the Senate Committee** on April 7.

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 **Education/Higher Education Committee**, which motion prevails with unanimous consent.

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The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Education/Higher Education Committee**.

H.B. 661 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR SERIOUS NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST, re-referred to the **Judiciary II Committee** on July 13.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Lucas for the **Education/Higher Education Committee**:

S.B. 779, A BILL TO BE ENTITLED AN ACT TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT TRI-COUNTY COMMUNITY COLLEGE BY WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE COMMUNITY COLLEGE TUITION AND TO MAKE STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT WINSTON-SALEM STATE UNIVERSITY ELIGIBLE FOR IN-STATE UNIVERSITY TUITION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55277, which changes the title to read **S.B. 779** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SCHOLARSHIP LOANS TO STUDENTS ENROLLED IN THE PARAMEDIC-TO-BSN PROGRAM OFFERED AT TRI-COUNTY COMMUNITY COLLEGE BY WINSTON-SALEM STATE UNIVERSITY, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

RECONSIDERATION

H.B. 105 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AND TO ALLOW

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INTERSTATE PASSENGER AIR CARRIERS A REFUND OF SALES AND USE TAXES ON FUEL, as amended by a material amendment on August 10.

Amendment No. 1 which was adopted on August 10 is ruled to be material and constitutes first reading. Having voted with the majority on second reading on August 10, Senator Rand offers a motion that the vote by which H.B. 105, as amended, passed its second reading be reconsidered which motion prevails without objection. The question becomes the passage of the Senate Committee Substitute for H.B. 105 on its second reading and the bill remains on today's calendar for second reading.

CALENDAR (*continued*)

H.B. 691 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARRBORO TO LEVY A MOTOR VEHICLE TAX NOT TO EXCEED TWENTY-FIVE DOLLARS AND RELATING TO THE IMPOSITION OF A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION BY THE TOWN OF BLACK MOUNTAIN, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 40, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas and Weinstein—40.

Voting in the negative: Senators Berger of Rockingham, Brock, East, Forrester, Hunt, Pittenger, Presnell, Tillman and Webster—9.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, August 12, upon third reading.

H.B. 601 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE CAROLINA LAKES PROPERTY OWNERS' ASSOCIATION IN HARNETT COUNTY.

The Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered enrolled.

H.B. 820 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LENGTHEN THE FOX TRAPPING SEASON IN PERSON COUNTY AND TO ELIMINATE THE SEASON BAG LIMITS ON THAT SEASON.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 922 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FILLING OF VACANCIES IN THE OFFICES OF REGISTER OF DEEDS, SHERIFF, AND COUNTY COMMISSIONER IN BEAUFORT COUNTY SHALL BE IN ACCORDANCE WITH GENERAL LAW.

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The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled.

H.B. 1010 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN WILSON AND ORANGE COUNTIES.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled.

H.B. 1047, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WRIGHTSVILLE BEACH TO ALLOW THE TOWN TO APPOINT A BOARD OF ADJUSTMENT AS PROVIDED BY GENERAL LAW.

The bill passes its second (49-0) and third readings and is ordered enrolled.

H.B. 1052, A BILL TO BE ENTITLED AN ACT TO PERMIT TRASH TRUCKS WHILE COLLECTING GARBAGE TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS IN BRUNSWICK COUNTY.

The bill passes its second (49-0) and third readings and is ordered enrolled.

H.B. 1034 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION.

Senator Berger of Rockingham offers Amendment No. 1 which is adopted (44-4).

The Senate Committee Substitute bill, as amended, fails upon second reading (22-27).

S.B. 348 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Garwood, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled.

H.B. 105 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AND TO ALLOW INTERSTATE PASSENGER AIR CARRIERS A REFUND OF SALES AND USE TAXES ON FUEL, as amended on August 10 by a material amendment, upon second reading.

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester,

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Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, August 12, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 1775 (Committee Substitute No. 2), 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, re-referred to the **Appropriations/Base Budget Committee** on August 9.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Appropriations/Base Budget Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

CALENDAR *(continued)*

H.B. 736 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES AND REPEALING THE SUNSET ON PROVISIONS RELATING TO TRAVEL DISTANCE BETWEEN PUBLIC USE TOILETS IN MALLS, as amended on August 10, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

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H.B. 890 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A CRIME LABORATORY OPERATED BY A LOCAL GOVERNMENT, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

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. 1281 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas and Weinstein—45.

Voting in the negative: Senators East, Goodall, Tillman and Webster—4.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 1779 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Steens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

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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. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: Senators Horton, Presnell and Webster—3.

The Committee Substitute bill remains on the Calendar for tomorrow, August 12, upon third reading.

H.B. 646 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES, TO REQUIRE DOMESTIC INSURANCE COMPANIES TO MAINTAIN LIABILITY COVERAGE FOR CLAIMS AGAINST THE COMPANY'S OFFICERS AND DIRECTORS, AND TO AUTHORIZE THE DEPARTMENT OF INSURANCE TO HIRE A MEDICARE LOOKOUT PROGRAM COORDINATOR WITH FEDERAL GRANT FUNDING.

Upon motion of Senator Hoyle, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

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WITHDRAWAL FROM CALENDAR

S.B. 344 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FOSTER ECONOMIC GROWTH IN NORTH CAROLINA BY LOWERING THE INDIVIDUAL AND CORPORATE INCOME TAX RATES AND PROVIDING FOR OTHER TAX RELIEF.

Pursuant to Rule 47(a), Senator Hoyle offers a motion that the Committee Substitute bill be withdrawn from the Calendar of Friday, August 12, and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the Calendar of Friday, August 12, and places it before the Senate for immediate consideration.

Senator Hoyle offers Amendment No. 1 which is adopted (49-0).

Upon motion of Senator Hoyle, the Committee Substitute bill, as amended, is withdrawn from today's Calendar and placed on the Calendar for tomorrow, August 12, upon second reading.

CALENDAR (*continued*)

H.B. 646 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES, TO REQUIRE DOMESTIC INSURANCE COMPANIES TO MAINTAIN LIABILITY COVERAGE FOR CLAIMS AGAINST THE COMPANY'S OFFICERS AND DIRECTORS, AND TO AUTHORIZE THE DEPARTMENT OF INSURANCE TO HIRE A MEDICARE LOOKOUT PROGRAM COORDINATOR WITH FEDERAL GRANT FUNDING.

Senator Hoyle offers Amendment No. 1 which is adopted (49-0), and changes the title upon concurrence to read **H.B. 646** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES, AND TO AUTHORIZE THE DEPARTMENT OF INSURANCE TO HIRE A MEDICARE LOOKOUT PROGRAM COORDINATOR WITH FEDERAL GRANT FUNDING.

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: Senator Horton—1.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, August 12, upon third reading.

The Senate recesses at 3:21 P.M. for the purpose of a Health Care Committee meeting and a Commerce Committee meeting to reconvene at 3:30 P.M.

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RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR (*continued*)

H.B. 787 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT BUNCOMBE, GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE; TO ALLOW DOT TO SIGN A VOLUNTARY ANNEXATION PETITION WITH THE TOWN OF KNIGHTDALE; TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES LOCATED PRIMARILY WITHIN THE COUNTY TO EXERCISE MOST MUNICIPAL FUNCTIONS.

Senator Nesbitt offers Amendment No. 1 which is adopted (47-0) and changes the title upon concurrence to read **H.B. 787** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE; TO ALLOW DOT TO SIGN A VOLUNTARY ANNEXATION PETITION WITH THE TOWN OF KNIGHTDALE; TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES LOCATED PRIMARILY WITHIN THE COUNTY TO EXERCISE MOST MUNICIPAL FUNCTIONS; AND TO AMEND THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK AND THE TREASURER.

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The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, August 12, upon third reading.

H.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE POWERS OF THE BRUNSWICK AIRPORT COMMISSION AND TO AUTHORIZE LOCAL AIRPORT AUTHORITIES TO BORROW MONEY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, August 12, upon third reading.

S.B. 208 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA OCCUPATIONAL THERAPY PRACTICE ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE FEE FOR A LIMITED PERMIT.

The Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

RECONSIDERATION

H.B. 1034 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION, as amended and failed second reading earlier today.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate Committee Substitute bill, as amended, failed its second reading be reconsidered, which motion prevails (38-10).

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The question before the Body becomes the passage of the Senate Committee Substitute bill for H.B. 1034 on its second reading. The Senate Committee Substitute bill, as amended, passes its second (32-17) 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 as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 402, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GUARANTEED ENERGY SAVINGS CONTRACTS INCLUDE CONSERVATION MEASURES FOR WATER AND OTHER UTILITIES, TO RAISE THE CAP FOR GUARANTEED ENERGY SAVINGS CONTRACTS, TO EXPAND THE STATE'S ENERGY POLICY AND LIFE-CYCLE COST ANALYSIS TO INCLUDE THE CONSERVATION OF WATER AND OTHER UTILITIES, AND TO MAKE CONFORMING CHANGES, with a favorable report.

H.B. 813 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS, with a favorable report.

H.B. 1271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS, with a favorable report.

H.B. 1389, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS, with a favorable report.

H.B. 1390, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW GOVERNING THE COMMERCIAL TRANSPORTATION OF ALCOHOLIC BEVERAGES CONSISTENT WITH THE LAW GOVERNING THE AMOUNTS OF ALCOHOLIC BEVERAGES THAT MAY BE PURCHASED WITHOUT A PERMIT, with a favorable report.

H.B. 630 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MANUFACTURED HOMES ESCROW ACCOUNTS, 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 50490, which changes the title upon concurrence to read **H.B. 630** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MANUFACTURED HOME DEALERS TO ESTABLISH AND MAINTAIN ESCROW OR TRUST ACCOUNTS FOR BUYER DEPOSITS; TO CLARIFY

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THE CONTRACT NEGOTIATION PROCESS AND EXTEND THE CANCELLATION PERIOD; TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MANUFACTURED HOUSING BOARD; AND TO PROVIDE BUYERS WITH INFORMATION REGARDING THE PRICE OF MANUFACTURED HOMES, is adopted and engrossed.

H.B. 1468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE CERTAIN TELECOMMUNICATION SERVICE PROVIDERS TO BE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30372, is adopted and engrossed.

H.B. 1518 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HOLDERS OF CERTAIN ABC PERMITS TO RECYCLE ALL RECYCLABLE CONTAINERS OF ALL BEVERAGES SOLD AT RETAIL ON THE PREMISES AND TO PROHIBIT THE DISPOSAL OF THOSE CONTAINERS IN LANDFILLS OR BY INCINERATION, 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 80451, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 561 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES, 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 10395, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 774 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS.

The Committee Substitute bill No. 2 passes its second (45-4) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1013 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO COST RECOVERY UNDER THE LAWS REGULATING GENERAL CONTRACTORS.

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The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1087 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE.

The Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 576 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO PROHIBIT THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION SERVICES BY A STATE OR LOCAL GOVERNMENT OR BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO WHICH THE SERVICES ARE REQUIRED.

Senator Hoyle offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1500** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT, THE LAW CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, AND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS, 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 1500, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT, THE LAW CONCERNING COMMUNITY COLLEGE VITICULTURE/ ENOLOGY PROGRAMS, AND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS, Senate Commerce Committee Substitute Adopted 7/6/05, Fifth Edition Engrossed 7/7/05, submit the following report:

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The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Commerce Committee Substitute Adopted 7/6/05, Fifth Edition Engrossed 7/7/05, 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 H1500-PCCS70546-RVxf-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 11, 2005.

Conferees for the Senate

Conferees for the House of
Representatives

S/Senator Anthony E. Rand

S/Representative Pryor Gibson

S/Senator David W. Hoyle

S/Representative James A. Harrell, III

S/Senator Kay R. Hagan

S/Senator Richard Y. Stevens

The text of the attached Proposed Conference Committee Substitute, PCCS H1500-PCCS70546-RVxf-1, which changes the title, is as follows:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND PROVIDE FOR THE ISSUANCE OF WINE SHOP PERMITS, TO AMEND LAWS CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, WINE DISTRIBUTION AGREEMENTS AND BEER FRANCHISE AGREEMENTS, AND TO PROVIDE FOR THE BIOMETRIC IDENTIFICATION OF PURCHASERS OF ALCOHOL AND TOBACCO PRODUCTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1001(15) reads as rewritten:

"(15) Wine-Tasting Permit. – A wine-tasting permit authorizes wine tastings on ~~the a premises conducted and supervised by the permittee, holding a retail permit, by the retail permit holder or his employee.~~ A wine tasting consists of the offering of a sample of one or more unfortified wine products, in amounts of no more than one ounce for each sample, without charge, to customers of the business. Any person pouring wine at a wine tasting shall be at least 21 years of age.

a. Representatives of the winery, which produced the wine, or the wine producer-producer, a wholesaler, or a wholesaler's employee may assist with the tastings in a manner consistent

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~~with existing law.~~ tasting. Assisting with a wine tasting includes:

1. Pouring samples for customers.
2. Checking the identification of patrons being served at the wine tasting.

b. When a representative of the winery that produced the wine, the wine producer, a wine wholesaler, or a wine wholesaler's employee assists in a wine tasting conducted by a retail permit holder:

1. The retail permit holder shall designate an employee to actively supervise the wine tasting.
2. A retail permit holder's employee shall not supervise more than three wine-tasting areas.
3. No more than six wines may be tasted at any one tasting area.
4. The wine tasting shall not last longer than four hours from the time designated as the starting time by the retail permit holder.

c. The retail permit holder shall be solely liable for any violations of this Chapter occurring in connection with the wine tasting. The Commission shall adopt rules to assure that the tastings are limited to samplings and not a subterfuge for the unlawful sale or distribution of wine, and that the tastings are not used by industry members for unlawful inducements to retail permit holders, ~~and do not violate existing rules.~~ ~~holders.~~ Except for purposes of this subsection, the holder of a wine-tasting permit shall not be construed to hold a permit for the on-premises sale or consumption of alcoholic beverages. Any food business is eligible for a wine-tasting permit."

SECTION 2.(a) G.S. 18B-1001 is amended by adding a new subdivision to read:

"(16) Wine Shop Permit. – A wine shop permit authorizes the retail sale of malt beverages, unfortified wine, and fortified wine in the manufacturer's original container for consumption off the premises, and authorizes wine tastings on the premises conducted and supervised by the permittee in accordance with subdivision (15) of this section. It also authorizes the holder of the permit to ship

malt beverages, unfortified wine, and fortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses whose primary purpose is selling malt beverages and wine for consumption off the premises and regularly and customarily educating consumers through tastings, classes, and seminars about the selection, serving, and storing of wine. The holder of the permit is authorized to sell unfortified wine for consumption on the premises, provided that the sale of wine for consumption on the premises does not exceed forty percent (40%) of the establishment's total sales for any 30-day period. The sale of wine for consumption on the premises shall be limited to those amounts that remain in opened bottles upon the conclusion of an authorized wine tasting, and individual servings shall not exceed four ounces per glass."

SECTION 2.(b) G.S. 18B-902(d) reads as rewritten:

"(d) Fees. – An application for an ABC permit shall be accompanied by payment of the following application fee:

- (1) On-premises malt beverage permit – \$400.00.
- (2) Off-premises malt beverage permit – \$400.00.
- (3) On-premises unfortified wine permit – \$400.00.
- (4) Off-premises unfortified wine permit – \$400.00.
- (5) On-premises fortified wine permit – \$400.00.
- (6) Off-premises fortified wine permit – \$400.00.
- (7) Brown-bagging permit – \$400.00, unless the application is for a restaurant seating less than 50, in which case the fee shall be \$200.00.
- (8) Special occasion permit – \$400.00.
- (9) Limited special occasion permit – \$50.00.
- (10) Mixed beverages permit – \$1,000.
- (11) Culinary permit – \$200.00.
- (12) Unfortified winery permit – \$300.00.
- (13) Fortified winery permit – \$300.00.
- (14) Limited winery permit – \$300.00.
- (15) Brewery permit – \$300.00.
- (16) Distillery permit – \$300.00.
- (17) Fuel alcohol permit – \$100.00.
- (18) Wine importer permit – \$300.00.
- (19) Wine wholesaler permit – \$300.00.
- (20) Malt beverage importer permit – \$300.00.
- (21) Malt beverage wholesaler permit – \$300.00.
- (22) Bottler permit – \$300.00.
- (23) Salesman permit – \$100.00.
- (24) Vendor representative permit – \$50.00.
- (25) Nonresident malt beverage vendor permit – \$100.00.

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- (26) Nonresident wine vendor permit – \$100.00.
- (27) Any special one-time permit under G.S. 18B-1002 – \$50.00.
- (28) Winery special event permit – \$200.00.
- (29) Mixed beverages catering permit – \$200.00.
- (30) Guest room cabinet permit – \$1,000.
- (31) Liquor importer/bottler permit – \$500.00.
- (32) Cider and vinegar manufacturer permit – \$200.00.
- (33) Brew on premises permit – \$400.00.
- (34) Wine producer permit – \$300.00.
- (35) Wine tasting permit – \$100.00.
- (36) Wine shipper permit – \$100.00.
- (37) Wine shop permit – \$100.00."

SECTION 2.(c) G.S. 18B-903(b) reads as rewritten:

"(b) Renewal. – Application for renewal of an ABC permit shall be on a form provided by the Commission. An application for renewal shall be accompanied by an application fee of twenty-five percent (25%) of the original application fee set in G.S. 18B-902, except that the renewal application fee for each wine shop permit shall be five hundred dollars (\$500.00), and the renewal application fee for each mixed beverages permit and each guest room cabinet permit shall be seven hundred fifty dollars (\$750.00). A renewal fee shall not be refundable."

SECTION 3.(a) G.S. 18B-1114.4 reads as rewritten:

"§ 18B-1114.4. Viticulture/Enology course authorization.

(a) Authorization. – The holder of a viticulture/enology course authorization may:

- (1) Manufacture wine from grapes grown on the school's campus or the school's contracted or leased property for the purpose of providing instruction and education on the making of unfortified wines.
- (2) Possess wines manufactured during the viticulture/enology program for the purpose of conducting wine-tasting seminars and classes for students who are 21 years of age or older.
- (3) Sell wines produced during the course to wholesalers or to retailers upon obtaining a wine wholesaler permit under G.S. 18B-1107, except that the permittee may not receive shipments of wines from other producers.

(b) Limitation. – Authorization for a viticulture/enology course shall be granted by the Commission only for a community college or college that offers a viticulture/enology program as a part of its curriculum offerings for students of the school. ~~No retail sales of wine shall be made by the students, instructor, or school.~~ Wines may be manufactured only from grapes grown in a viticulture/enology course ~~vineyard, not to exceed five acres,~~ vineyard that is located on the school's campus or the school's contracted or leased property.

(c) The holder of a viticulture/enology course authorization who obtains a wine wholesaler permit under G.S. 18B-1107 subject to the limitation

in subsection (a) of this section may manufacture wines from grapes grown by others until June 30, 2004. Otherwise, wine may be manufactured only as provided in subsection (b) of this section, obtain a winery special event permit under G.S. 18B-1114.1, and where the permit is valid may participate in approved events and sell at retail at those events any wine produced incident to the operation of the viticulture/enology program. The holder of a viticulture/enology course authorization may participate in not more than six winery special events within a 12-month period and may sell up to 25 cases of wine at each event. Net proceeds from the program's retail sale of wine pursuant to this subsection shall be retained by the school and used for support of the viticulture/enology program.

(d) The holder of a viticulture/enology course authorization shall not be considered a winery for the purposes of this Chapter or Chapter 105 of the General Statutes."

SECTION 3.(b) G.S. 18B-1114.1(a) reads as rewritten:

"(a) Authorization. – The holder of an unfortified winery permit, a limited winery permit, a viticulture/enology course authorization, or a wine producer permit may obtain a winery special permit allowing the winery or wine producer to give free tastings of its wine, and to sell its wine by the glass or in closed containers, at trade shows, conventions, shopping malls, wine festivals, street festivals, holiday festivals, agricultural festivals, balloon races, local fundraisers, and other similar events approved by the Commission."

SECTION 4. G.S. 18B-1200 reads as rewritten:

"§ 18B-1200. Construction; findings and ~~purpose~~; exceptions.

(a) This Article shall be liberally construed and applied to promote its underlying purposes and policies.

(b) The underlying purposes and policies of the Article are:

- (1) To promote the compelling interest of the public in fair business relations between wine wholesalers and wineries, and in the continuation of wine wholesaler ships on a fair basis;
- (2) To protect wine wholesalers against unfair treatment by wineries;
- (3) To provide wine wholesalers with rights and remedies in addition to those existing by contract or common law; and
- (4) To govern all wine wholesaler ships, including any renewals or amendments, to the full extent consistent with the Constitution of this State and the United States.

(c) The effect of this Article may not be waived or varied by contract or agreement. Any contract or agreement purporting to do so is void and unenforceable to the extent of that waiver or variance.

(d) A North Carolina winery holding a valid wine wholesaler permit issued pursuant to G.S. 18B-1101(7) and G.S. 18B-1107, when acting as its own master wholesaler, shall not be subject to the provisions of G.S. 18B-1204, 18B-1205, and 18B-1207."

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SECTION 5. G.S. 18B-1302(b) reads as rewritten:

"(b) Existence of Agreement. – A franchise agreement as described in subsection (a) exists when:

- (1) The supplier has shipped malt beverages to a wholesaler or accepted an order for malt beverages from the wholesaler;
- (2) A wholesaler has paid or the supplier has accepted payment for an order of malt beverages intended for sale within this State;
- (3) The supplier and wholesaler have filed with the Commission a distribution agreement as required by G.S. 18B-1303; or
- (4) A supplier ~~purchases~~ acquires the right to manufacture a malt beverage product, or the trade name for such product, or the right to distribute a product, ~~from another supplier with whom the~~ for which a wholesaler has a franchise agreement."

SECTION 6.(a) G.S. 18B-302(d) is amended by adding a new subdivision to read:

"(3) Shows that at the time of purchase, the purchaser utilized a biometric identification system that demonstrated (i) the purchaser's age to be at least the required age for the purchase and (ii) the purchaser had previously registered with the seller or seller's agent a drivers license, a special identification card issued under G.S. 20-377.7, a military identification card, or a passport showing the purchaser's date of birth and bearing a physical description of the person named on the document."

SECTION 6.(b) G.S. 14-313(b) reads as rewritten:

"(b) Sale or distribution to persons under the age of 18 years. – If any person shall distribute, or aid, assist, or abet any other person in distributing tobacco products or cigarette wrapping papers to any person under the age of 18 years, or if any person shall purchase tobacco products or cigarette wrapping papers on behalf of a person, less than 18 years, the person shall be guilty of a Class 2 misdemeanor; provided, however, that it shall not be unlawful to distribute tobacco products or cigarette wrapping papers to an employee when required in the performance of the employee's duties. Retail distributors of tobacco products shall prominently display near the point of sale a sign in letters at least five-eighths of an inch high which states the following:

N.C. LAW STRICTLY PROHIBITS**THE PURCHASE OF TOBACCO PRODUCTS****BY PERSONS UNDER THE AGE OF 18.****PROOF OF AGE REQUIRED.**

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Failure to post the required sign shall be an infraction punishable by a fine of twenty-five dollars (\$25.00) for the first offense and seventy-five dollars (\$75.00) for each succeeding offense.

A person engaged in the sale of tobacco products shall demand proof of age from a prospective purchaser if the person has reasonable grounds to believe that the prospective purchaser is under 18 years of age. Failure to demand proof of age as required by this subsection is a Class 2 misdemeanor if in fact the prospective purchaser is under 18 years of age. ~~Proof that the defendant demanded, was shown, and reasonably relied upon proof of age in the case of a retailer, or any other documentary or written evidence of age in the case of a nonretailer, or that the defendant relied on the electronic system established and operated by the Division of Motor Vehicles pursuant to G.S. 20-37.02, shall be a defense to any action brought under this subsection.~~ Retail distributors of tobacco products shall train their sales employees in the requirements of this law. Proof of any of the following shall be a defense to any action brought under this subsection:

- (1) The defendant demanded, was shown, and reasonably relied upon proof of age in the case of a retailer, or any other documentary or written evidence of age in the case of a nonretailer.
- (2) The defendant relied on the electronic system established and operated by the Division of Motor Vehicles pursuant to G.S. 20-37.02.
- (3) The defendant relied on a biometric identification system that demonstrated (i) the purchaser's age to be at least the required age for the purchase and (ii) the purchaser had previously registered with the seller or seller's agent a drivers license, a special identification card issued under G.S. 20-377.7, a military identification card, or a passport showing the purchaser's date of birth and bearing a physical description of the person named on the card."

SECTION 7. This act is effective when it becomes law. Section 4 of this act shall be effective prospectively only and shall not apply to pending litigation or claims that accrued before the effective date of this act.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

CALENDAR *(continued)*

H.B. 636 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF MARKUPS OF ANATOMIC PATHOLOGY SERVICES BY PHYSICIANS, HOSPITALS, DENTISTS, AND PODIATRISTS.

Senator Purcell offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

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H.B. 669 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

H.B. 665, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS.

Senator Jenkins offers Amendment No. 1 which is adopted (49-0).

The bill, as amended, passes its second (49-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 670 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES IN ORDER TO COMPLY WITH FEDERAL LAW.

Senator Jenkins offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 810, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Dalton.

H.B. 855 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH STATEWIDE NUTRITION STANDARDS FOR SCHOOL MEALS, A LA CARTE FOODS AND BEVERAGES, AND THE AFTER SCHOOL SNACK PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

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The Senate Committee Substitute bill passes its second (47-1) 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. 888 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR COCKFIGHTING.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, August 12.

H.B. 891 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES.

Senator Graham offers Amendment No. 1 which is adopted (48-0).

Senator Webster offers a motion to withdraw the Committee Substitute bill, as amended, from today's Calendar and place it on the Calendar for a day certain. The motion fails (9-38).

The Committee Substitute bill, as amended, passes its second reading (48-1).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the Committee Substitute bill, as amended, placed on the Calendar for tomorrow, August 12, upon third reading.

Upon the appearance of Senator Dalton in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 911 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM.

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. 926 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONCEAL THE DEATH OF A PERSON.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1016 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISPOSITION OF A FIREARM TO PROVIDE THAT UPON ORDER OF THE APPROPRIATE COURT, A LAW ENFORCEMENT AGENCY MAY USE THE FIREARM FOR OFFICIAL USE OR MAY TRADE, EXCHANGE, OR SELL THE FIREARM TO A FEDERALLY LICENSED FIREARMS DEALER AND MAY USE THE PROCEEDS FROM THE SALE OF UNCLAIMED FIREARMS FOR LAW ENFORCEMENT PURPOSES.

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The Committee Substitute bill passes its second (48-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1029 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT FACILITATING THE ESTABLISHMENT OF LOCAL GOVERNMENT PROGRAMS TO CLEAR STREAMS BY CLARIFYING LOCAL GOVERNMENT LIABILITY FOR SUCH ACTIONS.

Senator Horton offers Amendment No. 1 which is adopted (49-0), and changes the title upon concurrence to read **H.B. 1029** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT FACILITATING THE ESTABLISHMENT OF LOCAL GOVERNMENT PROGRAMS TO CLEAR STREAMS BY CLARIFYING LOCAL GOVERNMENT LIABILITY FOR SUCH ACTIONS AND TO ALLOW THE VILLAGE OF CLEMMONS AND THE TOWN OF KERNERSVILLE TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS IT MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 1174 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS REGARDING THE ISSUANCE AND REVOCATION OF PERMITS AT LOCATIONS THAT ARE OR BECOME UNSUITABLE TO HOLD ABC PERMITS.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, August 12.

H.B. 1086 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING THE JURISDICTION OF THE GENERAL ASSEMBLY POLICE AND THE OATH OF OFFICE TO REFLECT THAT CHANGE, AND TO MAKE A TECHNICAL AMENDMENT.

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.

H.B. 1169 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INVESTMENT OF STATE AND LOCAL FUNDS IN NORTH CAROLINA FINANCIAL INSTITUTIONS.

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.

H.B. 1240 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

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H.B. 1243 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING A LONGER NOTICE PERIOD FOR A TERMINATION OF A TENANCY FOR THE RENTAL SPACE FOR RESIDENTIAL MANUFACTURED HOMES.

The Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 607 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE FARMLAND PRESERVATION ENABLING ACT TO ESTABLISH A CATEGORY OF ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS THAT OFFERS ADDITIONAL PROTECTION OF FARMLAND FROM NONFARM DEVELOPMENT AND ADDITIONAL BENEFITS FOR FARMLAND WHEN THE OWNER OF THE FARMLAND IS WILLING TO ENTER INTO AN IRREVOCABLE CONSERVATION AGREEMENT FOR TEN YEARS OR LONGER, 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 50488, which changes the title upon concurrence to read **H.B. 607** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE FARMLAND PRESERVATION ENABLING ACT AND FARMLAND PRESERVATION TRUST FUND AS THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION ENABLING ACT AND THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND AND TO AMEND THE ACT TO ESTABLISH A CATEGORY OF ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS THAT OFFERS ADDITIONAL BENEFITS FOR FARMLAND WHEN THE OWNER OF THE FARMLAND IS WILLING TO ENTER INTO AN IRREVOCABLE CONSERVATION AGREEMENT FOR AT LEAST TEN YEARS AND TO CREATE AN AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE, is adopted and engrossed.

H.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REGULATION OF PLANTS, 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 50489, which changes the title upon concurrence to read **H.B. 671** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE THAT THE BOARD OF AGRICULTURE SHALL HAVE THE SOLE AUTHORITY TO REGULATE GENETICALLY MODIFIED AND GENETICALLY ENGINEERED PLANTS, (2) TO INCREASE THE MEMBERSHIP OF THE

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BOARD OF AGRICULTURE BY TWO MEMBERS, AND (3) TO ESTABLISH THE LEGISLATIVE COMMISSION ON GENETICALLY MODIFIED AND GENETICALLY ENGINEERED ORGANISMS TO STUDY ISSUES RELATED TO GENETICALLY MODIFIED AND GENETICALLY ENGINEERED ORGANISMS, is adopted and engrossed.

H.B. 1385 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS, AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124, 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, which changes the title upon concurrence to read **H.B. 1385** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124, is adopted and engrossed.

S.B. 1149, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES; AND TO IMPROVE AIR QUALITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75360, which changes the title to read **S.B. 1149** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Kerr for the **Finance Committee**:

S.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT, with a favorable report.

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H.B. 1217, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES, with a favorable report.

H.B. 1284 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW, with a favorable report.

H.B. 254 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TREASURER TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, 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 70556, which changes the title upon concurrence to read **H.B. 254** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TREASURER TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION, TO REQUIRE "GARVEE" FUNDS TO BE DISTRIBUTED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO CLARIFY THE DEFINITION OF GOVERNMENTAL UNIT FOR PURPOSES OF INTEREST RATE SWAP AGREEMENTS, is adopted and engrossed.

H.B. 1261 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, TO CLARIFY THE AUTHORIZED EXPENDITURES FROM THE EMERGENCY TELEPHONE SYSTEM FUND, TO CAP WIRE 911 SERVICE CHARGES, AND TO STUDY ISSUES RELATED TO ARTICLE 1 OF CHAPTER 62A OF THE GENERAL STATUTES, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 30375, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1299 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT THE COST OF REPAIR WORK CONSISTS OF WHEN DETERMINING WHETHER THE COST OF REPAIR WORK IS

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SUFFICIENT TO REQUIRE A MOTOR VEHICLE REPAIR SHOP TO PREPARE A WRITTEN REPAIR ESTIMATE.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1310 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT STUDENTS TO USE THEIR SAT SCORES OR PRAXIS I SCORES TO QUALIFY FOR ADMISSION TO TEACHER EDUCATION PROGRAMS.

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.

H.B. 1316 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE FRASER FIR AS THE OFFICIAL CHRISTMAS TREE OF THE STATE OF NORTH CAROLINA AND THE SOUTHERN APPALACHIAN BROOK TROUT AS THE OFFICIAL FRESHWATER TROUT OF NORTH CAROLINA.

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.

H.B. 1357 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ACUPUNCTURE LICENSING BOARD TO EMPLOY CERTAIN PROFESSIONAL ADVISORS; TO CLARIFY QUALIFICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL, AND INACTIVE, SUSPENDED, EXPIRED, AND LAPSED LICENSES; TO CLARIFY CONTINUING EDUCATION; AND TO INCREASE AND ESTABLISH CERTAIN FEES.

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.

H.B. 1375 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATING TO CHILD SUPPORT ENFORCEMENT IN ORDER TO CLARIFY AND ENHANCE THOSE LAWS.

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.

H.B. 1414 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING.

The Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

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H.B. 1416, A BILL TO BE ENTITLED AN ACT TO MAKE TOWNS OR CITIES WHERE A RAILROAD PASSENGER TERMINUS EXISTS ELIGIBLE TO HOLD MALT BEVERAGE PERMIT ELECTIONS.

Upon motion of Senator Nesbitt, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, August 12.

H.B. 1436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SENTENCING COMMISSION TO STUDY AND MAKE RECOMMENDATIONS REGARDING EVIDENCE THAT A MURDER WAS COMMITTED IN VIOLATION OF A VALID DOMESTIC VIOLENCE PROTECTIVE ORDER AS AN AGGRAVATING FACTOR IN CAPITAL SENTENCING.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE LAW PROVIDING FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR CERTAIN PROJECTS OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE REPORTS ON ACTIONS TAKEN UNDER THAT LAW.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1493 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY.

Senator Purcell offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 1539 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT RELATING TO ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA AND TO CREATE A PANEL TO DETERMINE WHETHER UNIVERSITY ACTIVITIES VIOLATE THE ACT.

Upon motion of Senator Kinnaird, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.J.R. 1650, A JOINT RESOLUTION HONORING THE MEMORY OF ABRAHAM L. FREEDLANDER FOR HIS CONTRIBUTIONS TO HAYWOOD COMMUNITY COLLEGE, ON THE OCCASION OF THE COLLEGE'S FORTIETH ANNIVERSARY.

The joint resolution passes its second (48-0) and third readings and is ordered enrolled.

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S.B. 881 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE PENALTIES FOR OPERATING A MOTOR VEHICLE WITHOUT HAVING IN FULL FORCE AND EFFECT A LIABILITY INSURANCE POLICY PROVIDING FINANCIAL RESPONSIBILITY.

The Committee Substitute bill No. 2 passes its third reading (47-0) and is ordered sent to the House of Representatives by special message.

H.B. 1429 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, TO CLARIFY THE LAW CONCERNING SPLIT-CASE FEES, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE.

The Senate Committee Substitute bill passes its third reading (44-5) and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 1539 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT RELATING TO ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA AND TO CREATE A PANEL TO DETERMINE WHETHER UNIVERSITY ACTIVITIES VIOLATE THE ACT, temporarily displaced earlier today.

Upon motion of Senator Kinnaird, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, August 12.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 428** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT, 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 428, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT, House Committee Substitute Favorable 7/6/05, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/6/05, and the Senate concurs in the House Committee Substitute as amended:

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On page 1, line 13, by adding the following before the quotation mark at the end of the line:

"(c) This section shall not apply where the laser use has been approved by a State or federal agency."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 11, 2005.

Conferees for the Senate

Conferees for the
House of Representatives

S/Anthony E. Rand, Chair
S/Stan Bingham
S/Julia Boseman

S/Joe Hackney, Chair
S/Paul Stam
S/Deborah K. Ross

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

CALENDAR *(continued)*

H.B. 1507, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS UNDER THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSURE ACT, TO EXPAND THE GROUP OF PERSONS WHO MAY OBTAIN A PROVISIONAL LICENSE UNDER THE ACT, AND TO AUTHORIZE THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD TO ASSESS CIVIL PENALTIES.

The bill passes its third reading (48-1) and is ordered enrolled and sent to the Governor.

H.B. 1517 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO CHILD CARE FACILITIES.

Senator Dannelly offers Amendment No. 1 which is adopted (49-0).

Senator Apodaca offers Amendment No. 2 which is adopted (49-0), and changes the title upon concurrence to read **H.B. 1517** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO CHILD CARE FACILITIES, AND TO MAKE IT A CRIMINAL OFFENSE FOR A BABY SITTING SERVICE TO BE OFFERED OR PROVIDED BY A SEX OFFENDER OR TO BE LOCATED IN THE HOME OF A SEX OFFENDER.

The Senate Committee Substitute bill, as amended, passes its third reading (49-0) and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 328 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE AND THE TOWNS OF BEAUFORT

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AND SOUTHERN SHORES TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWNS OF DUCK, KILL DEVIL HILLS, KITTY HAWK, AND NAGS HEAD TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, TO ALLOW THE TOWN OF ST. JAMES TO EXERCISE PLANNING JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND TO ALLOW EXTRATERRITORIAL PLANNING JURISDICTION IN 2010, TO EXEMPT THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN ABC STORE IN BRUNSWICK COUNTY BE LOCATED NO CLOSER THAN SEVEN MILES FROM A MUNICIPALITY WITH AN EXISTING ABC STORE, TO ADD WASHINGTON COUNTY TO THE COUNTIES IN WHICH IT IS ILLEGAL TO REMOVE OR DESTROY AN ELECTRONIC DOG COLLAR, AND TO AUTHORIZE THE TOWN OF MATTHEWS TO ADOPT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THAT TOWN, AND TO VALIDATE ELECTIONS AND ACTIONS OF THE PAMLICO COUNTY BOARD OF EDUCATION, AND TO CHANGE THE OFFICE OF TAX COLLECTOR IN HENDERSON COUNTY FROM ELECTIVE TO APPOINTIVE, AND TO RECONFIRM AND VALIDATE NONPARTISAN ELECTIONS FOR THE ELIZABETH CITY-PASQUOTANK BOARD OF EDUCATION AND VALIDATE ACTIONS OF THAT BOARD, AND TO AUTHORIZE THE TOWN OF BLADENBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, AND TO CLARIFY THAT CERTAIN STATE LAND IS SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS BY THE TOWN OF SOUTHPORT WITHOUT THE APPROVAL OF THE COUNCIL OF STATE, AND TO CLARIFY THAT MOREHEAD CITY MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING AND TO AUTHORIZE THAT CITY TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION BE REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, placed earlier on today's Calendar.

Senator Holloman offers Amendment No. 1 which is adopted (49-0).

Senator Kinnaird offers Amendment No. 2 which is adopted (47-2), and changes the title upon concurrence to read **H.B. 328** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE AND THE TOWNS OF BEAUFORT AND SOUTHERN SHORES TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWNS OF DUCK, KILL DEVIL HILLS, KITTY HAWK, AND NAGS HEAD TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY

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OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, TO ALLOW THE TOWN OF ST. JAMES TO EXERCISE PLANNING JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND TO ALLOW EXTRATERRITORIAL PLANNING JURISDICTION IN 2010, TO EXEMPT THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN ABC STORE IN BRUNSWICK COUNTY BE LOCATED NO CLOSER THAN SEVEN MILES FROM A MUNICIPALITY WITH AN EXISTING ABC STORE, TO ADD WASHINGTON COUNTY TO THE COUNTIES IN WHICH IT IS ILLEGAL TO REMOVE OR DESTROY AN ELECTRONIC DOG COLLAR, CLARIFYING THE ORANGE COUNTY VOTING CENTERS ACT, AND TO AUTHORIZE THE TOWN OF MATTHEWS TO ADOPT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THAT TOWN, AND TO VALIDATE ELECTIONS AND ACTIONS OF THE PAMLICO COUNTY BOARD OF EDUCATION, AND TO CHANGE THE OFFICE OF TAX COLLECTOR IN HENDERSON COUNTY FROM ELECTIVE TO APPOINTIVE, AND TO RECONFIRM AND VALIDATE NONPARTISAN ELECTIONS FOR THE ELIZABETH CITY-PASQUOTANK BOARD OF EDUCATION AND VALIDATE ACTIONS OF THAT BOARD, AND TO AUTHORIZE THE TOWN OF BLADENBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, AND TO CLARIFY THAT CERTAIN STATE LAND IS SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS BY THE TOWN OF SOUTHPORT WITHOUT THE APPROVAL OF THE COUNCIL OF STATE, AND TO CLARIFY THAT MOREHEAD CITY MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING AND TO AUTHORIZE THAT CITY TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION BE REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

The Senate Committee Substitute bill, as amended, passes its second (47-2) 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. 1775 (Committee Substitute No. 2), 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, placed earlier on today's Calendar upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

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Voting in the negative: Senator Webster—1.

The Committee Substitute bill No. 2 remains on the Calendar for tomorrow, August 12, upon third reading.

H.B. 1500 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND PROVIDE FOR THE ISSUANCE OF WINE SHOP PERMITS, TO AMEND LAWS CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, WINE DISTRIBUTION AGREEMENTS AND BEER FRANCHISE AGREEMENTS, AND TO PROVIDE FOR THE BIOMETRIC IDENTIFICATION OF PURCHASERS OF ALCOHOL AND TOBACCO PRODUCTS, placed earlier on today's Calendar for adoption.

Upon motion of Senator Rand, the Senate adopts the Conference Report (45-4).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 428 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT, placed earlier on today's Calendar for adoption.

Upon motion of Senator Rand, the Senate adopts the Conference Report (49-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 622 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, for adoption upon third reading.

Senator Weinstein announces a pair vote. If Senator Jacumin were present, he would vote "no"; Senator Weinstein votes "aye".

The Conference Report is adopted on its third reading, by roll-call vote, ayes 28, noes 20, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Swindell and Thomas—28.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Horton, Hunt, Pittenger, Presnell, Smith, Stevens, Tillman and Webster—20.

Pursuant to the House having adopted the Conference Report for S.B. 622 on August 10, the President orders the bill enrolled and sent to the Governor by special message.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Purcell for the **Health Care Committee**:

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H.B. 1121, A BILL TO BE ENTITLED AN ACT SHORTENING THE TIME WITHIN WHICH HEALTH CARE PROVIDERS ARE PROHIBITED FROM DIRECT SOLICITATION OF PROSPECTIVE PATIENTS, 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 80452, which changes the title upon concurrence to read **H.B. 1121** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MERGER OF A HOSPITAL AUTHORITY CREATED BY A CITY AND A CHARITABLE OR RELIGIOUS CORPORATION OR A HOSPITAL AUTHORITY IN THE COUNTY IN WHICH THE CITY IS LOCATED AND RELATING TO PUBLIC HOSPITAL INVESTMENTS, is adopted and engrossed.

Upon motion of Senator Purcell, the rules are suspended and the Senate Committee Substitute bill is placed 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.

Upon motion of Senator Basnight, seconded by Senator Nesbitt, the Senate adjourns subject to receipt of messages from the House of Representatives, receipt of committee reports, conference reports and ratification of bills, to meet tomorrow, August 12, at 1:30 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 11, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1130**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL INSTITUTIONS, and requests conferees, Speaker Black appoints:

Representative Holliman, Chair
Representative Alexander
Representative Goodwin
Representative Stiller, and
Representative Haire

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 11, 2005

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. 740** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, EXCEPT WHEN DOING SO PURSUANT TO A SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 20 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SMALL BUSINESSES THAT PROVIDE EMPLOYEE HEALTH INSURANCE AND TO AMEND THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE TO A LIVABLE AGE.

Referred to the **Finance Committee**.

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H.B. 237 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY ALLOWING REGISTRATION OF LIMITED LOAN OFFICERS OF DEFINED AFFILIATED MORTGAGE BANKERS AND TO ESTABLISH ADDITIONAL SUPERVISION AND ENFORCEMENT AUTHORITY FOR THE COMMISSIONER OF BANKS.

Referred to the **Commerce Committee**.

S.B. 1124 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE A PENALTY FOR BREACHING THE CONFIDENTIALITY OF SCHOOL EMPLOYEE PERSONNEL FILES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, August 12, for concurrence.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1085, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY PORTFOLIO STANDARD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55280, which changes the title to read **S.B. 1085** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY DERIVED FROM CERTAIN FORMS OF BIOMASS IN ORDER TO MAKE THE ENVIRONMENTALLY SUPERIOR DISPOSAL OF ANIMAL WASTE ECONOMICALLY FEASIBLE AND IN ORDER TO PROTECT THE ENVIRONMENT BY PROMOTING THE RECOVERY OF CHEMICALS USED IN THE WOOD PULPING PROCESS, TO EXTEND CERTAIN TAX CREDITS FOR INVESTING IN RENEWABLE ENERGY, TO REQUIRE THAT CERTAIN ENTITIES THAT RECEIVE ECONOMIC DEVELOPMENT INCENTIVES PARTICIPATE IN THE NC GREENPOWER PROGRAM, TO REQUIRE THE UTILITIES COMMISSION TO REPORT ANNUALLY ON INTERCONNECTIVITY, AND TO APPROPRIATE FUNDS TO PROMOTE THE DEVELOPMENT OF BIOMASS ENERGY, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is referred to the **Finance Committee**.

H.B. 1096, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS

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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 10396, which changes the title upon concurrence to read **H.B. 1096** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) CHANGE THE NAME OF THE WETLANDS RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND; (4) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (5) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; (6) PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION; (7) MAKE CLARIFYING AMENDMENTS TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973; (8) CHANGE THE NAME OF THE AIR QUALITY COMPLIANCE ADVISORY PANEL TO THE SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL; AND (9) PROVIDE EXEMPTIONS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS FOR CERTAIN PERSONS AND CERTAIN ACTIVITIES, is adopted and engrossed.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 622, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

H.B. 1469, AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY.

The Enrolling Clerk reports the following bills and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

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S.B. 348, AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON.

H.B. 476, AN ACT RELATING TO THE BOUNDARY SETTLEMENT BETWEEN WILSON AND GREENE COUNTIES AND PERTAINING TO CERTAIN REAL PROPERTY RECORDS IN THOSE COUNTIES.

H.B. 601, AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE CAROLINA LAKES PROPERTY OWNERS' ASSOCIATION IN HARNETT COUNTY.

H.B. 689, AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD AND BEVERAGES TAX BY VOTE OF THE PEOPLE.

H.B. 820, AN ACT TO LENGTHEN THE FOX TRAPPING SEASON IN PERSON COUNTY AND TO ELIMINATE THE SEASON BAG LIMITS ON THAT SEASON.

H.B. 922, AN ACT TO PROVIDE THAT FILLING OF VACANCIES IN THE OFFICES OF REGISTER OF DEEDS, SHERIFF, AND COUNTY COMMISSIONER IN BEAUFORT COUNTY SHALL BE IN ACCORDANCE WITH GENERAL LAW.

H.B. 1010, AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN WILSON AND ORANGE COUNTIES.

H.B. 1047, AN ACT AMENDING THE CHARTER OF THE TOWN OF WRIGHTSVILLE BEACH TO ALLOW THE TOWN TO APPOINT A BOARD OF ADJUSTMENT AS PROVIDED BY GENERAL LAW.

H.B. 1052, AN ACT TO PERMIT TRASH TRUCKS WHILE COLLECTING GARBAGE TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS IN BRUNSWICK COUNTY.

S.J.R. 1179, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT MONROE "BOB" DAVIS, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 48)

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 687, AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

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H.B. 810, AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT.

H.B. 926, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONCEAL THE DEATH OF A PERSON.

H.B. 1016, AN ACT TO AMEND THE LAW REGARDING THE DISPOSITION OF A FIREARM TO PROVIDE THAT UPON ORDER OF THE APPROPRIATE COURT, A LAW ENFORCEMENT AGENCY MAY USE THE FIREARM FOR OFFICIAL USE OR MAY TRADE, EXCHANGE, OR SELL THE FIREARM TO A FEDERALLY LICENSED FIREARMS DEALER AND MAY USE THE PROCEEDS FROM THE SALE OF UNCLAIMED FIREARMS FOR LAW ENFORCEMENT PURPOSES.

H.B. 1240, AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS.

H.B. 1243, AN ACT REQUIRING A LONGER NOTICE PERIOD FOR A TERMINATION OF A TENANCY FOR THE RENTAL SPACE FOR RESIDENTIAL MANUFACTURED HOMES.

H.B. 1299, AN ACT TO CLARIFY WHAT THE COST OF REPAIR WORK CONSISTS OF WHEN DETERMINING WHETHER THE COST OF REPAIR WORK IS SUFFICIENT TO REQUIRE A MOTOR VEHICLE REPAIR SHOP TO PREPARE A WRITTEN REPAIR ESTIMATE.

H.B. 1414, AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING.

H.B. 1436, AN ACT TO DIRECT THE SENTENCING COMMISSION TO STUDY AND MAKE RECOMMENDATIONS REGARDING EVIDENCE THAT A MURDER WAS COMMITTED IN VIOLATION OF A VALID DOMESTIC VIOLENCE PROTECTIVE ORDER AS AN AGGRAVATING FACTOR IN CAPITAL SENTENCING.

H.B. 1464, AN ACT TO MAKE PERMANENT THE LAW PROVIDING FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR CERTAIN PROJECTS OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE REPORTS ON ACTIONS TAKEN UNDER THAT LAW.

H.B. 1507, AN ACT TO AMEND CERTAIN LAWS UNDER THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSURE ACT, TO EXPAND THE GROUP OF PERSONS WHO MAY OBTAIN A

PROVISIONAL LICENSE UNDER THE ACT, AND TO AUTHORIZE THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD TO ASSESS CIVIL PENALTIES.

H.B. 1779, AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM.

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. 1650, A JOINT RESOLUTION HONORING THE MEMORY OF ABRAHAM L. FREEDLANDER FOR HIS CONTRIBUTIONS TO HAYWOOD COMMUNITY COLLEGE, ON THE OCCASION OF THE COLLEGE'S FORTIETH ANNIVERSARY. (Res. 49)

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 736 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES, BY REPEALING THE SUNSET ON PROVISIONS RELATING TO TRAVEL DISTANCE BETWEEN PUBLIC USE TOILETS IN MALLS, AND BY CLARIFYING THAT CERTAIN ELECTRIC GENERATING FACILITIES ARE NOT PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS.

CONFERENCE REPORT

Senator Dannelly, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 974** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, House Committee Substitute Favorable 6/22/05, submit the following report:

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The Senate and House agree to the following amendments to the House Committee Substitute Favorable 6/22/05, and the Senate concurs in the House Committee Substitute as amended:

on page 1, line 3, by deleting "FACILITIES." and substituting "FACILITIES," and by adding at the end of the line "AND AUTHORIZE ALCOHOLIC BEVERAGES TO BE MADE AVAILABLE BY SELF-SERVICE IN SUITES OF MAJOR LEAGUE SPORTS FACILITIES.";

and on page 2, line 3 by rewriting the line to read:

"SECTION 4. The Commission shall issue a special occasion permit under G.S. 18B-1001(8) to a sports facility occupied by a major league professional sports team with suites available for sale or lease to patrons of the facility to authorize patrons to make available alcoholic beverages in those suites as if the patron were a host of a reception, party or other special occasion. If the patron occupying the suite so desires, alcoholic beverages by self-service may be made available to any person at least 21 years of age possessing a valid ticket to the event authorizing that person to occupy the suite. At no event may the patron make available a quantity of alcoholic beverages in excess of the amount a person is allowed to buy under G.S. 18B-303(a). This section does not authorize any person possessing a valid ticket to an event at the facility to bring alcoholic beverages onto the premises and consume those alcoholic beverages on the premises, or to remove those beverages from the suite.

SECTION 5. 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: August 11, 2005.

Conferees for the Senate

Conferees for the
House of Representatives

S/Charlie Smith Dannelly, Chair
S/Daniel G. Clodfelter
S/Malcolm Graham
S/Tom Apodaca

S/Pryor Gibson, Chair
S/W. Pete Cunningham
Bill Owens
S/Russell E. Tucker

The Conference Report, which changes the title, is placed on the Calendar for Friday, August 12, for adoption.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1723 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING

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CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS.

Referred to the **State & Local Government Committee**.

S.B. 856 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO TRIAL PREPARATION MATERIAL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, August 12, for concurrence.

S.B. 393 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, August 12, for concurrence.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:24 P.M.

ONE HUNDRED FIFTEENTH DAY

Senate Chamber
Friday, August 12, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, after seeing the photograph of Senators Holloman and Graham in today's *News and Observer* and knowing that all the members and staff must have felt like the two Senators looked, I pray today for a revival of energy and a renewal of mind for the tasks still ahead and that every member here will do what is right. As Mark Twain said, 'That will please some and astonish the rest.' Amen."

The Chair grants a leave of absence for today to Senator Jacumin.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, August 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.

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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. 98, AN ACT TO AUTHORIZE THE ORANGE COUNTY BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN CHAPEL HILL TOWNSHIP IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE ON ELECTION DAY AS THE VOTING METHOD, ALL TO BE KNOWN AS VOTING CENTERS. (Became law upon ratification, August 11, 2005 - S.L. 2005-256.)

H.B. 422, AN ACT TO PROVIDE FOR RESIDENTS OF FORSYTH COUNTY TO FISH IN THE WATERS OF TRIAD PARK WITHOUT A FISHING LICENSE. (Became law upon ratification, August 11, 2005 - S.L. 2005-257.)

S.B. 348, AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON. (Became law upon ratification, August 11, 2005 - S.L. 2005-258.)

H.B. 476, AN ACT RELATING TO THE BOUNDARY SETTLEMENT BETWEEN WILSON AND GREENE COUNTIES AND PERTAINING TO CERTAIN REAL PROPERTY RECORDS IN THOSE COUNTIES. (Became law upon ratification, August 11, 2005 - S.L. 2005-259.)

H.B. 601, AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE CAROLINA LAKES PROPERTY OWNERS' ASSOCIATION IN HARNETT COUNTY. (Became law upon ratification, August 11, 2005 - S.L. 2005-260.)

H.B. 689, AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD AND BEVERAGES TAX BY VOTE OF THE PEOPLE. (Became law upon ratification, August 11, 2005 - S.L. 2005-261.)

H.B. 820, AN ACT TO LENGTHEN THE FOX TRAPPING SEASON IN PERSON COUNTY AND TO ELIMINATE THE SEASON BAG LIMITS ON THAT SEASON. (Became law upon ratification, August 11, 2005 - S.L. 2005-262.)

H.B. 922, AN ACT TO PROVIDE THAT FILLING OF VACANCIES IN THE OFFICES OF REGISTER OF DEEDS, SHERIFF, AND COUNTY COMMISSIONER IN BEAUFORT COUNTY SHALL BE IN ACCORDANCE WITH GENERAL LAW. (Became law upon ratification, August 11, 2005 - S.L. 2005-263.)

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H.B. 1010, AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN WILSON AND ORANGE COUNTIES. (Became law upon ratification, August 11, 2005 - S.L. 2005-264.)

H.B. 1047, AN ACT AMENDING THE CHARTER OF THE TOWN OF WRIGHTSVILLE BEACH TO ALLOW THE TOWN TO APPOINT A BOARD OF ADJUSTMENT AS PROVIDED BY GENERAL LAW. (Became law upon ratification, August 11, 2005 - S.L. 2005-265.)

H.B. 1052, AN ACT TO PERMIT TRASH TRUCKS WHILE COLLECTING GARBAGE TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS IN BRUNSWICK COUNTY. (Became law upon ratification, August 11, 2005 - S.L. 2005-266.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1349 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE ITS LICENSURE AND REGISTRATION FEES AND ESTABLISH CERTAIN NEW FEES AND MAKING CERTAIN CHANGES TO THE CONDITIONS OF LICENSE RENEWAL UNDER THE PHARMACY PRACTICE ACT.

Referred to the **Finance Committee**.

S.B. 223 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Soles, the House Committee Substitute bill is placed on today's Calendar for concurrence in the House Committee Substitute bill.

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S.B. 612 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYIST FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY, for concurrence in the House Committee Substitute bill No. 3.

Upon motion of Senator Soles, the House Committee Substitute bill No. 3 is placed on today's Calendar for concurrence in the House Committee Substitute bill No. 3.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 99, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE "FIRST IN FORESTRY" PLATES WITH A SPECIAL BACKGROUND, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill with an unengrossed amendment.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70557, as amended by the Commerce Committee, which changes the title upon concurrence to read **H.B. 99** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT AND TO CREATE THE STUDY COMMITTEE ON WORKERS' COMPENSATION BENEFITS, and Committee Amendment No. 1 are adopted and engrossed.

Upon motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill, as amended by the Committee, is placed on today's Supplemental Calendar.

H.B. 237 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY ALLOWING REGISTRATION OF LIMITED LOAN OFFICERS OF DEFINED AFFILIATED MORTGAGE BANKERS AND TO ESTABLISH ADDITIONAL SUPERVISION AND ENFORCEMENT AUTHORITY FOR THE COMMISSIONER OF BANKS, with a favorable report.

Upon motion of Senator Soles, the rules are suspended and the Committee Substitute Bill No. 2 is placed on today's Supplemental Calendar.

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H.B. 1025, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES, with a favorable report.

Upon motion of Senator Soles, the bill is re-referred to the **Finance Committee**.

H.B. 1411 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CAP FOR THE AMOUNT FINANCED THAT FALLS WITHIN THE MEANING OF A CONSUMER CREDIT SALE IN ORDER TO REFLECT THE INCREASE IN THE COST OF CONSUMER GOODS AND SERVICES DUE TO INFLATION, with a favorable report.

Upon motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 669 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES, 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, 50493, is adopted and engrossed.

Upon motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed on today's Supplemental Calendar.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS.

Upon motion of Senator Soles, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

(H.B. 1271 was erroneously sent to the Governor as having passed the Senate and was signed by the Governor on August 26, 2005, and became Session Law 2005-330. H.B. 577 (Senate Committee Substitute) was passed by the Senate to repeal Session Law 2005-330 on August 30, 2005, and was returned to the House of Representatives for concurrence. The Senate Committee Substitute bill for H.B. 577 was referred to the House Rules Committee.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee**:

H.B. 779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR AIDING AND ABETTING A STUDENT'S UNLAWFUL ABSENCE FROM SCHOOL, with a favorable report.

Upon motion of Senator Swindell, the rules are suspended and the Committee Substitute bill is placed on today's Supplemental Calendar.

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H.B. 706 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS, 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 80453, is adopted and engrossed.

Upon motion of Senator Swindell, the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1076 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL, 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 70558, is adopted and engrossed.

Upon motion of Senator Swindell, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

Upon motion of Senator Rand and without objection, the rules are suspended and all bills reported out of committee and Senate bills received today from the House of Representatives for concurrence will be placed on today's Supplemental Calendar and are eligible for full-range of readings.

CALENDAR *(continued)*

H.B. 691 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARRBORO TO LEVY A MOTOR VEHICLE TAX NOT TO EXCEED TWENTY-FIVE DOLLARS AND RELATING TO THE IMPOSITION OF A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION BY THE TOWN OF BLACK MOUNTAIN, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 39, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas and Weinstein—39.

Voting in the negative: Senators Brock, East, Forrester, Garwood, Hunt, Pittenger, Presnell, Tillman and Webster—9.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

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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. 62, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL, with a favorable report.

The bill is placed on today's Supplemental Calendar.

H.J.R. 1615 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN D. HALL, FORMER MEMBER OF THE GENERAL ASSEMBLY, with a favorable report.

The Committee Substitute joint resolution is placed on today's Supplemental Calendar.

H.B. 569 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC VIOLENCE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

The Committee Substitute No. 2, as amended, is placed on today's Supplemental Calendar.

H.B. 661 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR SERIOUS NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST, 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, 70555, is adopted and engrossed.

The Senate Committee Substitute bill No. 2 is placed on today's Supplemental Calendar.

H.B. 829 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL FLAGS, 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 30341, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

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CALENDAR (*continued*)

S.B. 393 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES.

Upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, August 13, for concurrence.

S.B. 344 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FOSTER ECONOMIC GROWTH IN NORTH CAROLINA BY LOWERING THE INDIVIDUAL AND CORPORATE INCOME TAX RATES AND PROVIDING FOR OTHER TAX RELIEF.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, August 13.

H.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—45.

Voting in the negative: Senators Forrester, Presnell and Webster—3.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

H.B. 105 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, TO MAKE TECHNICAL,

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CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AND TO ALLOW INTERSTATE PASSENGER AIR CARRIERS A REFUND OF SALES AND USE TAXES ON FUEL, upon third reading.

Senator Clodfelter offers Amendment No. 2 which is adopted (48-0).

Senator Rand offers Amendment No. 3 which is adopted (47-1).

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 646 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES, TO REQUIRE DOMESTIC INSURANCE COMPANIES TO MAINTAIN LIABILITY COVERAGE FOR CLAIMS AGAINST THE COMPANY'S OFFICERS AND DIRECTORS, AND TO AUTHORIZE THE DEPARTMENT OF INSURANCE TO HIRE A MEDICARE LOOKOUT PROGRAM COORDINATOR WITH FEDERAL GRANT FUNDING, as amended on second reading, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: Senator Presnell—1.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 787 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING

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DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT BUNCOMBE, GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE; TO ALLOW DOT TO SIGN A VOLUNTARY ANNEXATION PETITION WITH THE TOWN OF KNIGHTDALE; TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES LOCATED PRIMARILY WITHIN THE COUNTY TO EXERCISE MOST MUNICIPAL FUNCTIONS.

Senator East offers Amendment No. 2 which is adopted (48-0) and changes the title upon concurrence to read **H.B. 787** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE; TO ALLOW DOT TO SIGN A VOLUNTARY ANNEXATION PETITION WITH THE TOWN OF KNIGHTDALE; TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES LOCATED PRIMARILY WITHIN THE COUNTY TO EXERCISE MOST MUNICIPAL FUNCTIONS; AND TO AMEND THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK AND THE TREASURER.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

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H.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE POWERS OF THE BRUNSWICK AIRPORT COMMISSION AND TO AUTHORIZE LOCAL AIRPORT AUTHORITIES TO BORROW MONEY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

H.B. 1775 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

S.B. 402, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GUARANTEED ENERGY SAVINGS CONTRACTS INCLUDE CONSERVATION MEASURES FOR WATER AND OTHER UTILITIES, TO RAISE THE CAP FOR GUARANTEED ENERGY SAVINGS CONTRACTS, TO EXPAND THE STATE'S ENERGY POLICY AND LIFE-CYCLE COST ANALYSIS TO INCLUDE THE CONSERVATION OF WATER AND OTHER UTILITIES, AND TO MAKE CONFORMING CHANGES, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger,

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Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, August 13, upon third reading.

H.B. 254 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TREASURER TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION, TO REQUIRE "GARVEE" FUNDS TO BE DISTRIBUTED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO CLARIFY THE DEFINITION OF GOVERNMENTAL UNIT FOR PURPOSES OF INTEREST RATE SWAP AGREEMENTS, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, August 13, upon third reading.

S.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT.

The Committee Substitute bill passes its second (43-4) 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 Clodfelter for the **Judiciary I Committee**:

H.B. 1409 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND AND THAT THE MONEY OR PROPERTY MAY BE REFUSED IF IT WAS NOT DERIVED FROM A LAWFUL SOURCE OR WILL NOT REASONABLY ASSURE APPEARANCE, 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 50491, which changes the title upon concurrence to read **H.B. 1409** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND, AND WHETHER IT WILL REASONABLY ASSURE THE DEFENDANT'S APPEARANCE, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1527 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE 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 60537, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PHOTOGRAPHS AND VIDEO OR AUDIO RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT PUBLIC RECORDS AND TO ALLOW FOR LIMITED ACCESS TO RECORDED IMAGES OF AN AUTOPSY BY THE PUBLIC, 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 10398, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

CALENDAR *(continued)*

H.B. 561 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES.

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.

RECALL FROM THE ENGROSSING OFFICE

H.B. 1029 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT FACILITATING THE ESTABLISHMENT OF LOCAL GOVERNMENT PROGRAMS TO CLEAR STREAMS BY CLARIFYING LOCAL GOVERNMENT LIABILITY FOR SUCH ACTIONS, ordered engrossed on Thursday, August 11.

Having voted with the majority, Senator Rand offers a motion to the end that the Senate Committee Substitute bill, as amended, be recalled from the Engrossing Office for further consideration, and further moves that the bill be placed on today's Calendar, which motions prevail.

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CALENDAR (*continued*)

H.B. 607 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE FARMLAND PRESERVATION ENABLING ACT AND FARMLAND PRESERVATION TRUST FUND AS THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION ENABLING ACT AND THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND AND TO AMEND THE ACT TO ESTABLISH A CATEGORY OF ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS THAT OFFERS ADDITIONAL BENEFITS FOR FARMLAND WHEN THE OWNER OF THE FARMLAND IS WILLING TO ENTER INTO AN IRREVOCABLE CONSERVATION AGREEMENT FOR AT LEAST TEN YEARS AND TO CREATE AN AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE.

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.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 740** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 740, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, REQUIRING HEALTH MAINTENANCE

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ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES, House Committee Substitute #2 Favorable 7/12/05, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute #2 Favorable 7/12/05, and the Senate concurs in the House Committee Substitute as amended:

on page 1, line 4, by deleting the word "SERVICES," and substituting the phrase "SERVICES, EXCEPT WHEN DOING SO PURSUANT TO A SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,";

and on page 9, line 16, by deleting the word "services." and substituting the phrase "services, except cardiac catheterization services provided on equipment furnished by a person authorized to operate such equipment in North Carolina pursuant to either a certificate of need issued for mobile cardiac catheterization equipment or a settlement agreement executed by the Department for provision of cardiac catheterization services.".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 10, 2005.

Conferees for the Senate

S/Senator Tony Rand
S/Senator William R. Purcell
S/Senator Fletcher L. Hartsell, Jr.

Conferees for the
House of Representatives

S/Representative Bill Culpepper
S/Representative Thomas E. Wright
S/Representative Bob England, M.D.
S/Representative Harold J. Brubaker
S/Representative Daniel F. McComas

Upon motion of Senator Rand, the Conference Report, which changes the title, is placed on the Calendar for immediate consideration.

Upon motion of Senator Rand, the Senate adopts the Conference Report (49-0). Pursuant to the House having adopted the Conference Report on August 11, the President orders the bill enrolled and sent to the Governor.

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CALENDAR *(continued)*

H.B. 630 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MANUFACTURED HOME DEALERS TO ESTABLISH AND MAINTAIN ESCROW OR TRUST ACCOUNTS FOR BUYER DEPOSITS; TO CLARIFY THE CONTRACT NEGOTIATION PROCESS AND EXTEND THE CANCELLATION PERIOD; TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MANUFACTURED HOUSING BOARD; AND TO PROVIDE BUYERS WITH INFORMATION REGARDING THE PRICE OF MANUFACTURED HOMES.

Senator Nesbitt offers Amendment No. 1 which is adopted (49-0), and changes the title upon concurrence to read **H.B. 630** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MANUFACTURED HOME DEALERS TO ESTABLISH AND MAINTAIN ESCROW OR TRUST ACCOUNTS FOR BUYER DEPOSITS; TO CLARIFY THE CONTRACT NEGOTIATION PROCESS; AND TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MANUFACTURED HOUSING BOARD.

The Senate Committee Substitute bill, as amended, passes its second (48-1) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 490, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW WITH REGARD TO MAKING A FALSE REPORT CONCERNING A DESTRUCTIVE DEVICE, with a favorable report.

The bill is placed on today's Supplemental Calendar.

H.B. 801 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE TO RESOLVE THE ISSUE OF CONFLICTING CHILD CUSTODY ORDERS; TO CLARIFY THE EFFECT OF TERMINATING JURISDICTION IN CERTAIN JUVENILE CASES; TO GIVE THE COURT AUTHORITY TO CONVERT A JUVENILE COURT CUSTODY ORDER INTO A PERMANENT CUSTODY ORDER UNDER CHAPTER 50 OF THE GENERAL STATUTES; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW, with a favorable report.

The Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1120 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO OFFICIALLY ACKNOWLEDGE THE IMPORTANCE OF NEIGHBORHOOD CRIME WATCH PROGRAMS AND TO ESTABLISH A CRIMINAL PENALTY FOR HARASSMENT OF A MEMBER OF A NEIGHBORHOOD CRIME WATCH PROGRAM, with a favorable report.

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Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1485, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SEARCH WARRANTS MAY BE OBTAINED BY AUDIO/VIDEO TRANSMISSIONS, with a favorable report.

The bill is placed on today's Supplemental Calendar.

S.B. 733, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA STREET GANG PREVENTION ACT AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STREET GANG PREVENTION, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1328, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF OFFICIAL RECORDS WHEN A PERSON IS GRANTED A PARDON OF INNOCENCE, with a favorable report.

The bill is placed on today's Supplemental Calendar.

H.B. 1394 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PARENTS OF AN INCOMPETENT ADULT WHO IS NOT MARRIED TO RECOMMEND A GUARDIAN FOR THAT ADULT BY WILL OR OTHER DOCUMENT, with a favorable report.

The Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1401 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CIRCUMSTANCES UNDER WHICH FEDERAL LAW ENFORCEMENT OFFICERS AND SWORN LAW ENFORCEMENT OFFICERS MAY CARRY CONCEALED WEAPONS, with a favorable report.

The Committee Substitute is placed on today's Supplemental Calendar.

H.B. 1318 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS REGARDING EQUITABLE DISTRIBUTION BY REQUIRING THE COURT TO CONSIDER EVIDENCE RELATING TO BUILT-IN TAXES AND OTHER TAX CONSEQUENCES OF THE PARTIES TO A DIVORCE ACTION IN DETERMINING EQUITABLE DISTRIBUTION, 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 60533, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

CALENDAR *(continued)*

H.B. 671 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE THAT THE BOARD OF AGRICULTURE SHALL HAVE THE SOLE AUTHORITY TO REGULATE GENETICALLY MODIFIED AND

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GENETICALLY ENGINEERED PLANTS, (2) TO INCREASE THE MEMBERSHIP OF THE BOARD OF AGRICULTURE BY TWO MEMBERS, AND (3) TO ESTABLISH THE LEGISLATIVE COMMISSION ON GENETICALLY MODIFIED AND GENETICALLY ENGINEERED ORGANISMS TO STUDY ISSUES RELATED TO GENETICALLY MODIFIED AND GENETICALLY ENGINEERED ORGANISMS.

The Senate Committee Substitute bill passes its second (44-5) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1213, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES MAY HAVE THOSE CHARGES EXPUNGED IF THE ALLEGED OFFENSES OCCURRED WITHIN THE SAME TWELVE-MONTH PERIOD OF TIME AND THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT, 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 10399, which changes the title upon concurrence to read **H.B. 1213** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES UNDER CERTAIN CIRCUMSTANCES MAY HAVE THOSE CHARGES EXPUNGED IF THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 967 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A VALIDLY EXECUTED HEALTH CARE POWER OF ATTORNEY AUTHORIZES THE HEALTH CARE AGENT TO EXERCISE RIGHTS WITH RESPECT TO ANATOMICAL GIFTS, AUTOPSY, OR DISPOSITION OF THE PRINCIPAL'S REMAINS, THE AUTHORIZING PROVISION WILL CONTINUE IN EFFECT AFTER THE DEATH OF THE PRINCIPAL FOR PURPOSES OF EXERCISING THE AUTHORIZED RIGHTS, TO DEFINE "DISPOSITION OF REMAINS", AND TO MAKE CONFORMING CHANGES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10400, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

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H.B. 1150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE JUVENILE CODE TO EXPEDITE OUTCOMES FOR CHILDREN AND FAMILIES INVOLVED IN WELFARE CASES AND APPEALS AND TO LIMIT THE APPOINTMENT OF GUARDIANS AD LITEM FOR PARENTS IN ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS, 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 50492, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

CALENDAR (*continued*)

H.B. 735 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANNUAL FILING AND ACTUARIAL CERTIFICATION OF RATES FOR INSURERS PROVIDING INDIVIDUAL ACCIDENT AND HEALTH INSURANCE BENEFITS AND TO BETTER PROTECT CONSUMERS FROM THE HARMFUL IMPACT OF BLOCKS OF BUSINESS BEING CLOSED.

Senator Apodaca offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 747 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS AND TO REQUIRE ANNUAL WORK PLANS FOR MAINTENANCE OF STATE STREETS AND HIGHWAYS WITHIN MUNICIPALITIES AND TO MODIFY THE AUTHORIZATION GIVEN FOR THE CONTRACT OF THE HERBERT C. BONNER REPLACEMENT BRIDGE PROJECT AT OREGON INLET.

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. 768 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA.

Senator Weinstein offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

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REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1136 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES, 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 70560, is adopted and engrossed.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR (*continued*)

H.B. 813 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

CONFERENCE REPORT

Senator Albertson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1126** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2007, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO

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DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS, 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 1126, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2007, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, TO RECONSTITUTE THE MARINE FISHERIES COMMISSION, TO AUTHORIZE THE NEW MARINE FISHERIES COMMISSION TO DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE, TO AUTHORIZE MARINE INSPECTORS TO ACCEPT DEPUTIZATION FROM THE NATIONAL MARINE FISHERIES SERVICE, AND TO PROVIDE MARINE INSPECTORS WITH THE SAME ENFORCEMENT AUTHORITY AS WILDLIFE PROTECTORS, House Committee Substitute #2 Favorable 7/5/05, Sixth Edition, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute #2 Favorable 7/5/05, Sixth Edition, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute #2 Favorable 7/5/05, Sixth Edition, and substitute the attached Proposed Conference Committee Substitute S1126-PCCS85296-SBf-4.

The conferees recommend that the Senate and the House of Representatives adopt this report.

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Date Conferees approved report: August 12, 2005.

Conferees for the Senate	Conferees for the House of Representatives
S/Senator Charles W. Albertson, Chair	S/Representative Pryor A. Gibson III, Chair
S/Senator Harry Brown	
S/Senator Robert L. Holloman	S/Representative Daniel F. McComas
S/Senator S. Clark Jenkins	S/Representative Bonner L. Stiller
S/Senator A. B. Swindell IV	S/Representative Joe Hackney
S/Senator Scott Thomas	Representative William L. Wainwright
S/Senator David F. Weinstein	S/Representative Paul Stam
	S/Representative Pricey Harrison

The text of the attached Proposed Conference Committee Substitute, PCCS S1126-PCCS85296-SBf-4, which changes the title, is as follows:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2006, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE WAIVER, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION AND THE WILDLIFE RESOURCES COMMISSION TO JOINTLY DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE.

The General Assembly of North Carolina enacts:

PART I. AMEND FISHING LICENSE REQUIREMENTS

SECTION 1.1. The title of Article 14B of Chapter 113 of the General Statutes reads as rewritten:

"Article 14B.

~~Saltwater~~ Coastal Recreational Fishing Licenses."

SECTION 1.2. G.S. 113-174 reads as rewritten:

"§ 113-174. Definitions.

As used in this Article:

(1) ~~"Commission" means the Marine Fisheries Commission.~~

(1a) "CRFL" means Coastal Recreational Fishing License.

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- (2) "Division" means the Division of Marine Fisheries in the Department of Environment and Natural Resources.
- (2a) "For Hire Boat" means a charter boat, head boat, dive boat, or other boat hired to allow individuals to engage in recreational fishing.
- (3) "North Carolina resident" means an individual who is a resident within the meaning of G.S. 113-130(4).
- (4) "Recreational fishing" means any activity preparatory to, during, or subsequent to the taking of any ~~fish~~finfish, the taking of which is subject to regulation by the Marine Fisheries Commission, by any ~~means~~means if the purpose of the taking is to obtain finfish that are not to be sold. "Recreational fishing" does not include the taking of finfish:
- a. ~~That does not constitute a~~By a commercial fishing operation as defined in G.S. 113-168.
 - b. ~~Except as provided in~~For scientific purposes pursuant to G.S. 113-261.
 - c. Under a RCGL issued pursuant to G.S. 113-173.
- (5) "SFL" means Saltwater Fishing License."

SECTION 1.3. G.S. 113-174.1 reads as rewritten:

"§ 113-174.1. ~~General License required; general provisions governing licenses.~~

(a) ~~License Purchase~~Required to Engage in Recreational Fishing. – It is unlawful for any individual to engage in recreational fishing ~~in coastal~~in:

- (1) Coastal fishing waters that are not joint fishing waters without having purchased holding a current license required by this Article.issued under this Article or under Article 25A of this Chapter that authorizes the individual to engage in recreational fishing in coastal fishing waters.
- (2) Joint fishing waters without holding a current license issued under this Article or under Article 21 or Article 25A of this Chapter that authorizes the individual to engage in recreational fishing in joint fishing waters.

(a1) Compliance With Applicable Laws. – It is unlawful for any individual to engage in recreational fishing without complying with ~~the provisions of this Article and rules adopted by the Commission under this Article.~~applicable requirements of this Article and Articles 21 and 25A of this Chapter and with applicable rules adopted by the Marine Fisheries Commission and the Wildlife Resources Commission.

(a2) Fourth of July Free Fishing Day. – The fourth day of July of each year is declared a free fishing day to promote the sport of fishing, and no license issued under this Article or Article 25A of this Chapter is required to fish in any of the public waters of the State on that day. All other laws and rules pertaining to recreational fishing apply.

(b) Sale of Fish Prohibited. – A license issued under this Article ~~or Article 25A of this Chapter~~ does not authorize an individual who takes or lands any species of fish under the authority of the Marine Fisheries Commission to sell, offer for sale, barter, or exchange the fish for anything of value. Except as

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provided in G.S. 113-168.4, it is unlawful for any individual who takes or lands any species of fish under the authority of the Marine Fisheries Commission by any means to sell, offer for sale, barter, or exchange these fish for anything of value.

(c) Assignment and Transfer Prohibited. – It is unlawful to buy, sell, lend, borrow, assign, or otherwise transfer a license issued under this Article or Article 25A of this Chapter or to attempt to buy, sell, lend, borrow, assign, or otherwise transfer a license issued under this ~~Article~~Article or Article 25A of this Chapter.

(d) General Enforcement.—It is unlawful for any individual to engage in recreational fishing in coastal fishing waters in the State without providing the individual's name and residence address upon the request of an inspector or other law enforcement officer authorized to enforce federal or State laws, regulations, or rules relating to marine fisheries.

(e) Enforcement for Charterboats and Headboats.—An inspector or other law enforcement officer may only verify the licensure of an individual fishing from a charterboat or headboat after the charterboat or headboat has returned to shore and the individual has disembarked from the charterboat or headboat. Except as provided in G.S. 113-174.2(d), each individual on board a charterboat or headboat engaged in recreational fishing, other than crew members who do not engage in recreational fishing, must have purchased a current SFL issued pursuant to G.S. 113-174.2. An owner, operator, or crew member of a charterboat or headboat is not responsible for the licensure of a customer fishing from a charterboat or headboat.

(f) Cancellation-Cancellation of Fraudulent License; Penalties. – The ~~Division~~Wildlife Resources Commission may cancel a license issued by the Commission under this Article or Article 25A of this Chapter if the license was issued on the basis of false information supplied by the license applicant. The Division may cancel a For Hire Blanket CRFL issued under G.S. 113-174.3 or an Ocean Fishing Pier Blanket CRFL issued under G.S. 113-174.4 if the license was issued on the basis of false information supplied by the license applicant. A cancelled license is void from the date of issuance. It is a Class 1 misdemeanor for an individual to knowingly do any of the following:

- (1) Engage in any activity regulated under this Article with an improper, false, or altered license.
- (2) Make any false, fraudulent, or misleading statement in applying for a license issued under this Article or Article 25A of this Chapter.
- (3) Counterfeit, alter, or falsify any application or license issued under this Article or Article 25A of this Chapter.

(g) Reporting Requirements. – A person licensed under this Article or Article 25A of this Chapter shall comply with the biological data sampling and survey programs of the Marine Fisheries Commission and the Division.

(h) Replacement Licenses. – Upon receipt of a proper application together with a fee of five dollars (\$5.00), the Wildlife Resources Commission or the Division may issue a new license to replace one issued by the respective agency that has been lost or destroyed before its expiration. The application must be on a form of the Wildlife Resources Commission or the Division setting forth

information in sufficient detail to allow ready identification of the lost or destroyed license and ascertainment of the applicant's continued entitlement to it."

SECTION 1.4. G.S. 113-174.2 reads as rewritten:

"§ 113-174.2. ~~Saltwater~~ Coastal Recreational Fishing License.

(a) ~~License Required.~~—~~Except as otherwise provided in this Article, it is unlawful for any individual to engage in recreational fishing in coastal fishing waters by means of recreational gear without having purchased a current SFL issued under this section. It is unlawful for any individual fishing under a SFL to possess fish in excess of recreational possession limits.~~

(a1) Authorization to Fish in Coastal and Joint Fishing Waters. – A CRFL issued under this section authorizes the licensee to engage in recreational fishing in coastal fishing waters, including joint fishing waters. A CRFL issued under this section does not authorize the licensee to fish in inland fishing waters.

(b) ~~Purchase; Renewal.~~—~~Any license issued under this section may be purchased or renewed at designated offices of the Division; from the Division by mail, electronic mail, the Internet, or telephone; or at locations designated by the North Carolina Saltwater Fishing Fund Board of Trustees.~~

(c) Types of SFLs; CRFLs; Fees; Duration. – ~~The Division Wildlife Resources Commission~~ shall issue the following ~~SFLs; CRFLs~~:

- (1) ~~One year SFL.~~ Annual Resident CRFL. – \$15.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is a resident of the State.
- (1a) Annual Nonresident CRFL. – \$30.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is not a resident of the State.
- (2) ~~Two year SFL.~~ — \$30.00. ~~This license is valid for a period of two years from the date of issuance.~~
- (3) ~~Three year SFL.~~ — \$45.00. ~~This license is valid for a period of three years from the date of issuance.~~
- (4) ~~Seven day SFL.~~ Ten-Day Resident CRFL. – \$1.00-\$5.00. This license is valid for a period of ~~seven consecutive days.~~ 10 consecutive days, as indicated on the license. ~~An individual may purchase this license only once in any 12-month period.~~ This license shall be issued only to an individual who is a resident of the State.
- (4a) Ten-Day Nonresident CRFL. – \$10.00. This license is valid for a period of 10 consecutive days, as indicated on the license. This license shall be issued only to an individual who is not a resident of the State.
- (5) ~~Subsistence SFL.~~— ~~An applicant for a license under this subdivision shall provide to the Division a certification from the Department of Health and Human Services that the individual falls below the federal poverty level. A license issued under this subdivision shall be issued~~

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~~without charge and is valid for a period of one year from the date of issuance.~~

- (6) ~~Lifetime SFL-CRFLs. – This license is~~Except as provided in sub-subdivision j. of this subdivision, CRFLs issued under this subdivision are valid for the lifetime of the licensee. The fee for the Lifetime SFL, based on the age of the prospective licensee as of the date on which the application is filed with the Division, is:
- a. ~~Younger than six years of age \$100.00~~
 - b. ~~Six years of age to younger than 11 years of age \$150.00~~
 - c. ~~11 years of age to younger than 18 years of age \$200.00~~
 - d. ~~18 years of age or older \$500.00~~
 - e. Infant Lifetime CRFL. – \$100.00. This license shall be issued only to an individual younger than one year of age.
 - f. Youth Lifetime CRFL. – \$150.00. This license shall be issued only to an individual who is one year of age or older but younger than 12 years of age.
 - g. Resident Adult Lifetime CRFL. – \$250.00. This license shall be issued only to an individual who is 12 years of age or older but younger than 65 years of age and who is a resident of the State.
 - h. Nonresident Adult Lifetime CRFL. – \$500.00. This license shall be issued only to an individual who is 12 years of age or older and who is not a resident of the State.
 - i. Resident Elderly Lifetime CRFL. – \$15.00. This license shall be issued only to an individual who is 65 years of age or older and who is a resident of the State.
 - j. Resident Disabled Veteran CRFL. – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.
 - k. Resident Totally Disabled CRFL. – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration.

(d) ~~Exemptions. – An individual may engage in recreational fishing by means of recreational gear without having purchased a SFL~~is exempt from the license requirements of G.S. 113-174.1(a) if the individual is either:

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- (1) Is under 16 years of age. ~~18 years of age or younger and is currently enrolled in school and is making progress toward obtaining a high school diploma or its equivalent.~~
- (2) Holds any of the following licenses that were purchased prior to January 1, 2006:
- a. Infant Lifetime Sportsman License issued under G.S. 113-270.1D(b)(1).
 - b. Youth Lifetime Sportsman License issued under G.S. 113-270.1D(b)(2).
 - c. Adult Resident Lifetime Sportsman License issued under G.S. 113-270.1D(b)(3).
 - d. Nonresident Lifetime Sportsman License issued under G.S. 113-270.1D(b)(4).
 - e. Age 70 Resident Lifetime Sportsman License issued under G.S. 113-270.1D(b)(5).
 - f. Lifetime Resident Comprehensive Fishing License issued under G.S. 113-271(d)(3).
 - g. Lifetime Combination Hunting and Fishing License for Disabled Residents issued under G.S. 113-270.1C(b)(4).
 - h. Disabled Resident Sportsman License issued under G.S. 113-270.1D(b)(6).
- (3) Holds any of the following licenses:
- a. Lifetime Fishing License for the Legally Blind issued under G.S. 113-271(d)(7).
 - b. Adult Care Home Resident Fishing License issued under G.S. 113-271(d)(8)."

SECTION 1.5. Article 14B of Chapter 113 of the General Statutes is amended by adding two new sections to read:

"§ 113-174.3. For Hire Blanket CRFL.

(a) License. – A person who operates a for hire boat may purchase a For Hire Blanket CRFL issued by the Division. A For Hire Blanket CRFL authorizes all individuals on the for hire boat who do not hold a license issued under this Article or Article 25A of this Chapter to engage in recreational fishing in coastal fishing waters that are not joint fishing waters. A For Hire Blanket CRFL does not authorize individuals to engage in recreational fishing in joint fishing waters or inland fishing waters. This license is valid for a period of one year from the date of issuance. The fee for a For Hire Blanket CRFL is:

- (1) Two hundred fifty dollars (\$250.00) for a vessel captained by an individual who holds a certification from the United States Coast Guard to carry six or fewer passengers.
- (2) Three hundred fifty dollars (\$350.00) for a vessel captained by an individual who holds a certification from the United States Coast Guard to carry greater than six passengers.

(b) Implementation. – Except as provided in this section and G.S. 113-174.2(d), each individual on board a for hire boat engaged in recreational

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fishing, other than crew members who do not engage in recreational fishing, must hold a license issued under this Article or Article 25A of this Chapter. An owner, operator, or crew member of a for hire boat is not responsible for the licensure of a customer fishing from the boat.

"§ 113-174.4. Ocean Fishing Pier Blanket CRFL.

Ocean Fishing Pier Blanket CRFL. – A person who owns or operates an ocean fishing pier and who charges a fee to allow a person to engage in recreational fishing from the pier may purchase an Ocean Fishing Pier Blanket CRFL issued by the Division. An Ocean Fishing Pier Blanket CRFL authorizes all individuals who do not hold a license issued under this Article or Article 25A of this Chapter to engage in recreational fishing in coastal fishing waters while on the pier. This license is valid for a period of one year from the date of issuance. The fee for an Ocean Fishing Pier Blanket CRFL is four dollars (\$4.00) per linear foot, to the nearest foot, that the pier extends into coastal fishing waters beyond the mean high waterline. The length of the pier shall be measured to include all extensions of the pier."

SECTION 1.6. G.S. 113-270.1C reads as rewritten:

"§ 113-270.1C. Combination hunting and inland fishing licenses.

(a) The combination hunting and inland fishing licenses set forth in subsection (b) of this section entitle the ~~holder~~-licensee to take, except on game lands, all wild birds and wild animals, other than big game and waterfowl, by all lawful methods and in all open seasons, and to fish with hook and line in all inland and joint fishing waters, except public mountain trout waters. A combination hunting and inland fishing license issued under this section does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters.

(b) Combination hunting and inland fishing licenses issued by the Wildlife Resources Commission are:

- (1) Resident Annual Combination Hunting and Inland Fishing License – \$20.00. This license shall be issued only to an individual resident of the State.
- (2), (3) Repealed by Session Laws 1997-326, s. 2.
- (4) ~~Lifetime Combination Hunting and Fishing License for Disabled Residents – \$10.00. This license shall be issued only to (i) an individual resident of the State who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs, remaining valid for the lifetime of the individual so long as the individual remains fifty percent (50%) or more disabled; or (ii) an individual resident of the State who is totally disabled, remaining valid for the lifetime of the individual so long as the individual remains totally disabled. For purposes of this section, "totally disabled" means physically incapable of being gainfully employed. The application form for this license, to be provided by the Wildlife Resources Commission, allows a person to apply only for the fishing privileges conveyed by the~~

- ~~license. This license entitles the holder to fish in public mountain trout waters as provided in G.S. 113-272(a).~~
- (5) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled. This license entitles the licensee to fish in public mountain trout waters as provided in G.S. 113-272(a).
- (6) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration. This license remains valid for the lifetime of the licensee. This license entitles the licensee to fish in public mountain trout waters as provided in G.S. 113-272(a)."

SECTION 1.7. G.S. 113-270.1D reads as rewritten:

"§ 113-270.1D. Sportsman licenses.

(a) Annual Sportsman License – \$40.00. This license shall be issued only to an individual resident of the State and entitles the ~~holder-licensee~~ to take all wild animals and wild birds, including waterfowl, by all lawful methods in all open seasons, including the use of game lands, and to fish with hook and line for all fish in all inland and joint fishing waters, including public mountain trout waters. An annual sportsman license issued under this subsection does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters.

(b) Lifetime Sportsman Licenses. ~~Lifetime~~ Except as provided in subdivision (7) of this subsection, lifetime sportsman licenses are valid for the lifetime of the holders-licensees, and Lifetime sportsman licenses entitle the holders-licensees to take all wild animals and wild birds by all lawful methods in all open seasons, including the use of game lands, and to fish with hook and line for all fish in all inland and joint fishing waters, including public mountain trout waters. A lifetime sportsman license issued under this subsection does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters. Lifetime sportsman licenses issued by the Wildlife Resources Commission are:

- (1) Infant Lifetime Sportsman License – \$200.00. This license shall be issued only to an individual under one year of age.
- (2) Youth Lifetime Sportsman License – \$350.00. This license shall be issued only to an individual under 12 years of age.
- (3) Adult Resident Lifetime Sportsman License – \$500.00. This license shall be issued only to an individual resident of the State.

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- (4) Nonresident Lifetime Sportsman License – \$1,000. This license shall be issued only to an individual nonresident of the State.
- (5) Age ~~70–65~~ Resident Lifetime Sportsman License – ~~\$10.00.~~\$15.00. This license shall be issued only to an individual resident of the State who is at least ~~70–65~~ years of age.
- ~~(6) Disabled Resident Sportsman License — \$100.00. This license shall be issued only to (i) an individual resident of the State who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs, remaining valid for the lifetime of the individual so long as the individual remains fifty percent (50%) or more disabled; or (ii) an individual resident of the State who is totally disabled, remaining valid for the lifetime of the individual so long as the individual remains totally disabled. For purposes of this section, "totally disabled" means physically incapable of being gainfully employed.~~
- (7) Resident Disabled Veteran Lifetime Sportsman License – \$100.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.
- (8) Resident Totally Disabled Lifetime Sportsman License – \$100.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration."

SECTION 1.8. G.S. 113-271 reads as rewritten:

"§ 113-271. Hook-and-line licenses in inland and joint fishing waters.

(a) An inland hook-and-line fishing license issued under this section entitles the licensee to fish with hook and line in inland fishing waters and joint fishing waters. An inland hook-and-line fishing license issued under this section does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters. An inland hook-and-line fishing license issued under subdivision (1), (3), (6a), (6b), (6c), or (9) of subsection (d) of this section entitles the licensee. All the hook-and-line fishing licenses set forth in subdivisions (1), (3), (7), and (9) of subsection (d) of this section entitle the holder to fish with hook and line in public mountain trout waters.

(b) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 684, s. 4.

(c) Repealed by Session Laws 1979, c. 830, s. 1.

(d) The hook-and-line fishing licenses issued by the Wildlife Resources Commission are as follows:

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- (1) Resident Annual Comprehensive Inland Fishing License – \$20.00. This license shall be issued only to an individual resident of the State.
- (2) Resident State Inland Fishing License – \$15.00. This license shall be issued only to an individual resident of the State.
- (3) Lifetime Resident Comprehensive Inland Fishing License – \$250.00. This license shall be issued only to an individual resident of the State and is valid for the lifetime of the ~~holder~~licensee.
- (4) Resident County Inland Fishing License – \$10.00. This license shall be issued only to an individual resident of the State and is valid only within the county of residence of the ~~license holder~~licensee.
- (5) Nonresident State Inland Fishing License – \$30.00. This license shall be issued to an individual nonresident of the State.
- (6) Short-Term Inland Fishing Licenses. Short-term inland fishing licenses are valid only for the date or consecutive dates indicated on the licenses. Short-term inland fishing licenses issued by the Wildlife Resources Commission are:
 - a. Resident ~~one day~~10-day Inland Fishing License – \$5.00. This license shall be issued only to a resident of the State.
 - b. Nonresident ~~one day~~10-day Inland Fishing License – \$10.00. This license shall be issued only to a nonresident of the State.
 - e. ~~Nonresident three day~~ \$15.00. ~~This license shall be issued only to a nonresident of the State.~~
- (6a) Age 65 Resident Lifetime Inland Fishing License – \$15.00. This license shall be issued only to an individual resident of the State who is at least 65 years of age.
- (6b) Resident Disabled Veteran Lifetime Inland Fishing License – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.
- (6c) Resident Totally Disabled Lifetime Inland Fishing License – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration. This license remains valid for the lifetime of the licensee.
- ~~(7) Lifetime Fishing License for the Legally Blind – No charge. This license shall be issued only to an individual resident of the State who has been certified by the~~

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~~Department of Health and Human Services as a person whose vision with glasses is insufficient for use in ordinary occupations for which sight is essential. This license is valid for the life of the individual so long as he remains legally blind.~~

- (8) ~~Adult Care Home Resident Fishing License — No charge. This license shall be issued only to an individual resident of the State who resides in an adult care home as defined in G.S. 131D-2(a)(3) or G.S. 131E-101(4). This license is valid for the life of the individual so long as the individual remains a resident of an adult care home.~~
- (9) Special Guest Inland Fishing License – \$50.00. This license shall be issued only to the owner or lessee of private property bordering inland or joint fishing waters, including public mountain trout waters, and entitles ~~persons~~ individuals to fish from the shore or any pier or dock originating from the property without any additional fishing license. This license is applicable only to private property and private docks and piers and is not valid for any public property, pier, or dock nor for any private property, pier, or dock operated for any commercial purpose whatsoever. The guest fishing license shall not be in force unless displayed on the premises of the property and only entitles fishing without additional license to ~~persons~~ individuals fishing from the licensed property and then only when fishing within the private property lines. The guest fishing license is not transferable as to person or location."

SECTION 1.9. G.S. 113-272.3(c) reads as rewritten:

"(c) Lifetime licenses are issued from the Wildlife Resources Commission headquarters. Each application for an Infant Lifetime Sportsman or Youth Lifetime Sportsman License must be accompanied by a certified copy of the birth ~~certificate~~ certificate, adoption order containing the date of birth, or other proof of age satisfactory to the Commission, of the individual to be named as the ~~license holder~~ licensee."

SECTION 1.10. G.S. 113-275(c1) reads as rewritten:

"(c1) Upon receipt of a proper application together with a fee of ~~two five~~ dollars ~~(\$2.00)~~ (\$5.00), the Wildlife Resources Commission may issue a new license or permit to replace one that has been lost or destroyed before its expiration. The application must be on a form of the Wildlife Resources Commission setting forth information in sufficient detail to allow ready identification of the lost or destroyed license or permit and ascertainment of the applicant's continued entitlement to it."

SECTION 1.11. G.S. 113-276(e) is repealed.

SECTION 1.12. G.S. 113-276(j) reads as rewritten:

"(j) A migrant farm worker who has in his possession a temporary certification of his status as such by the Rural Employment Service of the North

Carolina Employment Security Commission on a form provided by the Wildlife Resources Commission is entitled to the privileges of a resident of the State and of the county indicated on such certification during the term thereof for the purposes ~~of:~~

- (1) ~~Purchasing~~purchasing and using the resident fishing licenses provided by G.S. 113-271(d)(2), (4), and ~~(6)a;~~ and (6)a.
- (2) ~~Utilizing the natural bait exemption in subsection (e) above."~~

SECTION 1.13. G.S. 113-276(m) reads as rewritten:

"(m) ~~Notwithstanding any other provision of law, the~~ The fourth day of July of each year is declared a free fishing day to promote the sport of fishing and no hook-and-line fishing license is required to fish in any of the public waters of the State on ~~this that~~ day. All other laws and rules pertaining to hook-and-line fishing ~~still~~ apply."

SECTION 1.14. G.S. 113-276 is amended by adding a new subsection to read:

"(n) The Wildlife Resources Commission may adopt rules to exempt individuals who participate in organized fishing events held in inland or joint fishing waters from recreational fishing license requirements for the specified time and place of the event when the purpose of the event is consistent with the conservation objectives of the Commission."

SECTION 1.15. G.S. 113-296(b) reads as rewritten:

"(b) In order to be eligible for participation in the Disabled Sportsman Program established by this section, ~~a person~~an individual must be able to certify through competent medical evidence one of the following disabilities:

- (1) ~~Amputation of~~Missing fifty percent (50%) or more of one or more limbs;limbs, whether by amputation or natural causes.
- (2) Paralysis of one or more ~~limbs;limbs.~~
- (3) Dysfunction of one or more limbs rendering the ~~person~~individual unable to perform the tasks of grasping and lifting with the hands and arms or unable to walk without mechanical assistance, other than a ~~ane;cane.~~
- (4) Disease, injury, or defect confining the ~~person~~individual to a wheelchair, walker, or ~~erutches;crutches.~~
- (5) Legal ~~deafness; or~~deafness.
- (6) Legal blindness, for purposes of participation in disabled fishing only.

The disability must be permanent, and ~~a person~~an individual loses eligibility to participate in the Disabled Sportsman Program when the specified disability ceases to exist."

SECTION 1.16. Subchapter IV of Chapter 113 of the General Statutes is amended by adding a new Article to read:

"Article 25A.
"Unified Licenses.

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"§ 113-351. Unified hunting and fishing licenses; subsistence license waiver.

(a) Definitions. – The definitions set out in G.S. 113-174 apply to this Article.

(b) General Provisions Governing Licenses and Waivers. – The general provisions governing licenses set out in G.S. 113-174.1 apply to licenses and waivers issued under this section.

(c) Types of Unified Hunting and Fishing Licenses; Fees; Duration. – The Wildlife Resources Commission shall issue the following Unified Hunting and Fishing Licenses:

- (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing License. – \$55.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is a resident of the State. This license authorizes the licensee to take all wild animals and wild birds, including waterfowl, by all lawful methods in all open seasons, including the use of game lands; to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters; and to engage in recreational fishing in coastal fishing waters.
- (2) Annual Resident Unified Inland/Coastal Recreational Fishing License. – \$35.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is a resident of the State. This license authorizes the licensee to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters, and to engage in recreational fishing in coastal fishing waters.
- (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses. – Except as provided in sub-subdivision f. of this subdivision, a license issued under this subdivision is valid for the lifetime of the licensee. A license issued under this subdivision authorizes the licensee to take all wild animals and wild birds, including waterfowl, by all lawful methods in all open seasons, including the use of game lands; to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters; and to engage in recreational fishing in coastal fishing waters.
 - a. Infant Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$275.00. This license shall be issued only to an individual who is younger than one year of age.
 - b. Youth Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$450.00. This license shall be issued only to an individual who is one year of age or older but younger than 12 years of age.

- c. Resident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$675.00. This license shall be issued only to an individual who is 12 years of age or older but younger than 65 years of age and who is a resident of the State.
 - d. Nonresident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$1,350. This license shall be issued only to an individual who is 12 years of age or older and who is not a resident of the State.
 - e. Resident Elderly Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$30.00. This license shall be issued only to an individual who is 65 years of age or older and who is a resident of the State.
 - f. Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$110.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.
 - g. Resident Totally Disabled Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$110.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration.
- (4) Lifetime Unified Inland/Coastal Recreational Fishing Licenses. – Except as provided in sub-subdivisions b. and c. of this subdivision, a license issued under this subdivision is valid for the lifetime of the licensee. A license issued under this subdivision authorizes the licensee to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters, and to engage in recreational fishing in coastal fishing waters.
- a. Lifetime Unified Inland/Coastal Recreational Fishing License. – \$450.00.
 - b. Resident Legally Blind Lifetime Unified Inland/Coastal Recreational Fishing License. – No charge. This license shall be issued only to an individual who is a resident of the State and who has been certified by the Department of Health and Human

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Services as an individual whose vision with glasses is insufficient for use in ordinary occupations for which sight is essential. This license remains valid for the lifetime of the licensee so long as the licensee remains legally blind.

- c. Resident Adult Care Home Lifetime Unified Inland/Coastal Recreational Fishing License. – No charge. This license shall be issued only to an individual who is a resident of the State and who resides in an adult care home as defined in G.S. 131D-2(a)(1b) or G.S. 131E-101(1). This license remains valid for the lifetime of the licensee so long as the licensee remains a resident of an adult care home.

(d) Resident Subsistence Unified Inland/Coastal Recreational Fishing License Waiver. – A county department of social services shall issue a Resident Subsistence Unified Inland/Coastal Recreational Fishing License Waiver to an individual who receives benefits from Medicaid, Food Stamps, or Work First Family Assistance through the county department of social services and who requests a waiver. This waiver shall be issued at no charge. This waiver is valid for a period of one year from the date of issuance. This waiver shall be issued only to an individual who is a resident of the State. This waiver authorizes the waiver holder to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, except for public mountain trout waters, and to engage in recreational fishing in coastal fishing waters. County departments of social services shall supply the Wildlife Resources Commission with the name, mailing address, and telephone number of each individual who receives a waiver."

SECTION 1.17. Article 24 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-254.5. Disclosure of personal identifying information.

(a) Personal identifying information obtained by the Commission from an applicant for a license, title, permit, or registration issued by the Commission, from a consumer who purchases or subscribes to a good or service offered by the Commission, or from a donor in connection with any gift to the Commission is confidential under G.S. 132-1.2 and shall only be disclosed by the Commission as provided in this section.

(b) Personal identifying information obtained from the holder of a license issued under Article 14B or Article 25A of Chapter 113 of the General Statutes shall be disclosed to the Division of Marine Fisheries and the Marine Fisheries Commission.

(c) Personal identifying information may be disclosed to any officer, employee, or authorized representative of any federal, state, or local government agency if disclosure is necessary to carry out a proper function of the Commission or other agency.

(d) As used in this section, "personal identifying information" includes a person's mailing address, residence address, date of birth, telephone number, electronic mail address, driver license number, and social security number."

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SECTION 1.18. Sections 3, 4, 9, 10, 11, and 12 of S.L. 2004-187 are repealed.

SECTION 1.19. Section 15 of S.L. 2004-187 reads as rewritten:

"**SECTION 15.** ~~Sections 2, 3, and 4~~Section 2 of this act ~~become~~ becomes effective January 1, ~~2006~~2007. All other sections of this act become effective when the act becomes law."

SECTION 1.20. The repeal by this act of the statutory authority of the Wildlife Resources Commission to issue a type of license shall not affect the authority of an individual to whom a license of that type is issued prior to the effective date of the repeal to engage in the activity that the repealed license type authorizes so long as the license is otherwise valid.

SECTION 1.21. G.S. 113-130(4) is amended by adding a new sub-subdivision to read:

"f. Students. – Nonresident students attending a university, college, or community college in the State."

PART II. MARINE RESOURCES FUND AND MARINE RESOURCES ENDOWMENT FUND

SECTION 2.1. The title of Article 14C of Chapter 113 of the General Statutes reads as rewritten:

"Article 14C.

~~North Carolina Saltwater Fishing~~ Marine Resources Fund and Marine Resources Endowment Fund."

SECTION 2.2. G.S. 113-175 reads as rewritten:

"§ 113-175. Definitions.

As used in this Article:

- (1) ~~"Board of Trustees" means the Board of Trustees of the Fund.~~
- (1a) "Endowment Fund" means the North Carolina Marine Resources Endowment Fund.
- (1b) "Endowment investment income" means interest and other income earned from the investment of the principal of the Endowment Fund.
- (1c) "Endowment license revenues" means the net proceeds from the sale of licenses issued under G.S. 113-174.2(c)(6) and a portion of the net proceeds from the sale of licenses issued under G.S. 113-351(c)(3) and (4). The apportionment of the net proceeds from the sale of licenses issued under G.S. 113-351(c)(3) and (4) shall be jointly determined by the Division of Marine Fisheries and the Wildlife Resources Commission. In the event that the Division of Marine Fisheries and the Wildlife Resources Commission cannot agree on the apportionment, the Governor is authorized to determine the apportionment.

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- (2) ~~"Fund"~~ "Marine Resources Fund" means the North Carolina ~~Saltwater Fishing~~ Marine Resources Fund.
- (3) ~~"Investment"~~ "Marine resources investment income" means interest earned from the investment of ~~license revenues~~ and the proceeds of any gifts, grants, or contributions deposited in the principal of the Marine Resources Fund.
- (4) ~~"License"~~ "Marine resources license revenues" means the net proceeds from the sale of ~~Saltwater Fishing Licenses~~ licenses issued under ~~G.S. 113-174.2~~ Article 14B of this Chapter and a portion of the net proceeds from the sale of licenses issued under Article 25A of this Chapter, excluding endowment license revenues. The apportionment of the net proceeds from the sale of licenses issued under Article 25A of this Chapter shall be jointly determined by the Division of Marine Fisheries and the Wildlife Resources Commission. In the event that the Division of Marine Fisheries and the Wildlife Resources Commission cannot agree on the apportionment, the Governor is authorized to determine the apportionment. ~~The term includes funds realized from the sale, lease, rental, or other grant of rights to real or personal property acquired or produced with license revenues and federal aid project reimbursements to the extent that license revenues originally funded the project for which the reimbursement is made."~~

SECTION 2.3. G.S. 113-175.1 reads as rewritten:

"§ 113-175.1. North Carolina ~~Saltwater Fishing Fund~~ Marine Resources Fund.

(a) There is hereby established the North Carolina ~~Saltwater Fishing~~ Marine Resources Fund as a nonreverting special revenue fund in the office of the State Treasurer. The purpose of the Marine Resources Fund is to enhance the ~~fishery~~ marine resources of the ~~State for commercial and recreational fishing~~ State. ~~License revenues and the proceeds of any gifts, grants, and contributions to the State that are specifically designated for inclusion in the Fund shall be deposited in the Fund. The principal of the Marine Resources Fund shall consist of:~~

- (1) Marine resources license revenues.
- (2) Proceeds of any gifts, grants, and contributions to the State that are specifically designated for inclusion in the Marine Resources Fund.
- (3) Funds realized from the sale, lease, rental, or other grant of rights to real or personal property acquired or produced from funds disbursed from the Marine Resources Fund.
- (4) Federal aid project reimbursements to the extent that funds disbursed from the Marine Resources Fund originally funded the project for which the reimbursement is made.

(b) The State Treasurer shall hold the Marine Resources Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer shall

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invest the assets of the Marine Resources Fund in accordance with the provisions of G.S. 147-69.2 and ~~G.S. 147-69.3~~, G.S. 147-69.3, and all marine resources investment income shall be deposited to the credit of the Marine Resources Fund. The State Treasurer shall disburse the principal of the Marine Resources Fund and marine resources investment income only upon the written direction of both the Marine Fisheries Commission and the Wildlife Resources Commission.

(c) The Marine Fisheries Commission and the Wildlife Resources Commission may authorize the disbursement of the principal of the Marine Resources Fund and marine resources investment income only to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State. The Marine Fisheries Commission and the Wildlife Resources Commission may not authorize the disbursement of the principal of the Marine Resources Fund and marine resources investment income to establish positions without specific authorization from the General Assembly. All proposals to the Marine Fisheries Commission and the Wildlife Resources Commission for the disbursement of funds from the Marine Resources Fund shall be made by and through the Fisheries Director. Expenditure of the assets of the Marine Resources Fund shall be made through the State budget accounts of the Division of Marine Fisheries in accordance with the provisions of the Executive Budget Act. The Marine Resources Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes."

SECTION 2.4. G.S. 113-175.2 is repealed.

SECTION 2.5. G.S. 113-175.3 is repealed.

SECTION 2.6. G.S. 113-175.4 is repealed.

SECTION 2.7. Article 14C of Chapter 113 of the General Statutes is amended by adding three new sections to read:

"§ 113-175.5. North Carolina Marine Resources Endowment Fund.

(a) There is hereby established the North Carolina Marine Resources Endowment Fund as a nonreverting special revenue fund in the office of the State Treasurer. The purpose of the Endowment Fund is to provide the citizens and residents of the State with the opportunity to invest in the future of the marine resources of the State. The principal of the Endowment Fund shall consist of:

- (1) Endowment license revenues.
- (2) Proceeds of any gifts, grants, or contributions to the State that are specifically designated for inclusion in the Endowment Fund.
- (3) Proceeds of any gifts, grants, or contributions to the Marine Fisheries Commission or the Division of Marine Fisheries that are not specifically designated for another purpose.
- (4) Funds realized from the sale, lease, rental, or other grant of rights to real or personal property acquired or produced from endowment investment income.
- (5) Federal aid project reimbursements to the extent that endowment investment income originally funded the project for which the reimbursement is made.

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- (6) Transfers to the Endowment Fund.
- (7) Any endowment investment income or marine resources license revenue that is credited to the Endowment Fund for the purpose of increasing the principal of the Endowment Fund.

(b) The State Treasurer shall hold the Endowment Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer shall invest the assets of the Endowment Fund in accordance with the provisions of G.S. 147-69.2 and G.S. 147-69.3. The State Treasurer shall disburse the endowment investment income only upon the written direction of both the Marine Fisheries Commission and the Wildlife Resources Commission.

(c) Subject to the limitations set out in subsection (d) of this section, the Marine Fisheries Commission and the Wildlife Resources Commission may authorize the disbursement of endowment investment income only to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State. The Marine Fisheries Commission and the Wildlife Resources Commission may not authorize the disbursement of endowment investment income to establish positions without specific authorization from the General Assembly. All proposals to the Marine Fisheries Commission and the Wildlife Resources Commission for the disbursement of funds from the Endowment Fund shall be made by and through the Fisheries Director.

(d) The Endowment Fund is declared to constitute a special trust derived from a contractual relationship between the State and the members of the public whose investments contribute to the Endowment Fund. In recognition of this special trust, all of the following limitations are placed on disbursement of funds held in the Endowment Fund:

- (1) Any restrictions specified by the donors on the uses of income derived from gifts, grants, and voluntary contributions shall be respected but shall not be binding.
- (2) No disbursements of the endowment investment income derived from the endowment license revenues generated by the sale of Infant Lifetime CRFLs under G.S. 113-174.2(c)(6)e., Youth Lifetime CRFLs under G.S. 113-174.2(c)(6)f., Infant Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses under G.S. 113-351(c)(3)a., or Youth Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses under G.S. 113-351(c)(3)b. shall be made for any purpose until the respective licensees attain the age of 16 years. The State Treasurer shall periodically make an actuarial determination as to the amount of endowment investment income within the Endowment Fund that remains encumbered by the restriction of this subdivision and the amount that is free of the restriction. The Executive Director of the Wildlife Resources Commission shall provide the State Treasurer with the information necessary to make this determination.

(3) No disbursement shall be made from the principal of the Endowment Fund except as otherwise provided by law.

(e) Expenditure of the endowment investment income shall be made through the State budget accounts of the Division of Marine Fisheries in accordance with the provisions of the Executive Budget Act. The Endowment Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"§ 113-175.6. Report.

The Chair of the Marine Fisheries Commission and the Chair of the Wildlife Resources Commission shall jointly submit to the Joint Legislative Commission on Seafood and Aquaculture by October 1 of each year a report on the Marine Resources Fund and the Endowment Fund that shall include the source and amounts of all moneys credited to each fund and the purpose and amount of all disbursements from each fund during the prior fiscal year."

SECTION 2.8. The first report required pursuant to G.S. 113-175.7, as enacted by Section 2.7 of this act, is due by October 1, 2006.

SECTION 2.9. G.S. 113-174.2(d), as enacted by Section 1.4 of this act, provides that the holders of certain lifetime licenses purchased prior to January 1, 2006, are exempt from the license requirement for engaging in recreational fishing in coastal fishing waters. The General Assembly finds that, because the holders of these lifetime licenses will be authorized to take marine resources from the coastal fishing waters of the State, it is appropriate that a portion of the revenues derived from the sale of these lifetime licenses should be transferred to the Marine Resources Endowment Fund so that the endowment investment income generated by the transferred license revenues will be used to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State. The General Assembly specifically finds that this transfer of funds is consistent with the overall spirit, intent, and purpose underlying the creation of the Wildlife Endowment Fund and the Marine Resources Endowment Fund. Therefore, in accordance with G.S. 143-250.1(d)(3), the State Treasurer shall transfer the sum of three million four hundred thousand dollars (\$3,400,000) from the Wildlife Endowment Fund to the Marine Resources Endowment Fund. This transfer shall be made in five equal installments of six hundred eighty thousand dollars (\$680,000) on the first day of March in 2006, 2007, 2008, 2009, and 2010.

SECTION 2.10.(a) The Wildlife Resources Commission may disburse up to one million dollars (\$1,000,000) from the Wildlife Resources Fund to implement this act.

SECTION 2.10.(b) The State Treasurer shall transfer a sum equal to the sum of funds disbursed pursuant to subsection (a) of this section from the Marine Resources Fund to the Wildlife Resources Fund on July 1, 2010.

PART III. WILDLIFE RESOURCES COMMISSION LICENSE AGENTS

SECTION 3.1.(a) The Wildlife Resources Commission shall adopt rules to provide for the following:

- (1) Qualifications of license agents.
- (2) Duties of license agents.

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- (3) Methods and procedures to ensure accountability and security for proceeds and unissued licenses and permits.
- (4) Types and amounts of evidence that a license agent must submit to relieve the agent of responsibility for losses due to occurrences beyond the control of the agent.
- (5) Any other reasonable requirement or condition that the Wildlife Resources Commission deems necessary to expedite and control the issuance of licenses and permits by license agents.

SECTION 3.1.(b) The Wildlife Resources Commission shall adopt rules to authorize the Executive Director to take the following actions related to license agents:

- (1) Select and appoint license agents in areas most convenient for the sale of licenses and permits.
- (2) Limit the number of license agents in an area if necessary for efficiency of operation.
- (3) Require prompt and accurate reporting and remittance of public funds or documents by license agents.
- (4) Conduct periodic and special audits of accounts.
- (5) Suspend or terminate the authorization of any license agent found to be noncompliant with rules adopted by the Wildlife Resources Commission or when State funds or property are reasonably believed to be in jeopardy.
- (6) Require the immediate surrender of all equipment, forms, licenses, permits, records, and State funds and property, issued by or belonging to the Wildlife Resources Commission, in the event of the termination of a license agent.

SECTION 3.2. G.S. 113-270.1 reads as rewritten:

"§ 113-270.1. License agents.

(a) The Wildlife Resources Commission may by rule provide for the ~~annual~~ appointment of persons as license agents to sell licenses and permits ~~which it that the Commission~~ is authorized to issue by this Subchapter or by any other provisions of law. To facilitate the convenience of the public, the efficiency of administration, the need to keep statistics and records affecting the conservation of wildlife resources, boating, water safety, and other matters within the jurisdiction of the Wildlife Resources Commission, and the need to issue licenses and permits containing special restrictions, the Wildlife Resources Commission may issue licenses and permits in any particular category through:

- (1) License agents.
- (2) The Wildlife Resources Commission's headquarters.
- (3) Employees of the Wildlife Resources Commission.
- (4) Two or more such sources simultaneously.

(a1) When there are substantial reasons for differing treatment, the Wildlife Resources Commission may issue a type of license or permit by one method in one locality and by another method in another locality.

(b) License agents may deduct from the amount collected for each license or permit a fee of six percent (6%).

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(b1) When licenses or permits are to be issued by license agents as provided by subsection (a) of this section, the Wildlife Resources Commission may adopt rules to provide for any of the following:

- (1) Qualifications of the license agents.
- (2) Duties of the license agents.
- (3) Methods and procedures to ensure accountability and security for proceeds and unissued licenses and permits.
- (4) Types and amounts of evidence that a license agent must submit to relieve the agent of responsibility for losses due to occurrences beyond the control of the agent.
- (5) Any other reasonable requirement or condition that the Wildlife Resources Commission deems necessary to expedite and control the issuance of licenses and permits by license agents.

(b2) The Wildlife Resources Commission may adopt rules to authorize the Executive Director to take any of the following actions related to license agents:

- (1) Select and appoint license agents in areas most convenient for the sale of licenses and permits.
- (2) Limit the number of license agents in an area if necessary for efficiency of operation.
- (3) Require prompt and accurate reporting and remittance of public funds or documents by license agents.
- (4) Conduct periodic and special audits of accounts.
- (5) Suspend or terminate the authorization of any license agent found to be noncompliant with rules adopted by the Wildlife Resources Commission or when State funds or property are reasonably believed to be in jeopardy.
- (6) Require the immediate surrender of all equipment, forms, licenses, permits, records, and State funds and property, issued by or belonging to the Wildlife Resources Commission, in the event of the termination of a license agent.

(b3) The Wildlife Resources Commission is exempt from the contested case provisions of Chapter 150B of the General Statutes with respect to determinations of whether to authorize or terminate the authority of a person to sell licenses and permits as a license agent of the Wildlife Resources Commission.

(b4) If any check or bank account draft of any license agent for the issuance of licenses or permits shall be returned by the banking facility upon which the same is drawn for lack of funds, the license agent shall be liable to the Commission for a penalty of five percent (5%) of the amount of the check or bank account draft, but in no event shall the penalty be less than five dollars (\$5.00) or more than two hundred dollars (\$200.00). License agents shall be assessed a penalty of twenty-five percent (25%) of their issuing fee on all remittances to the Commission after the fifteenth day of the month immediately following the month of sale.

~~(e) The Wildlife Resources Commission may provide qualifications and standards concerning license agents and delegate to the Executive Director~~

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~~the task of appointment and supervision. Annual appointments run from May 1 to April 30 each year. The Wildlife Resources Commission may require license agents to post bonds, keep records and make reports concerning licenses and receipts, be subject to such audits and inspections as may be necessary, and pay a penalty of five percent (5%) on any worthless checks given the Wildlife Resources Commission. The minimum penalty for a worthless check, however, is five dollars (\$5.00), and the maximum penalty is two hundred dollars (\$200.00). The Wildlife Resources Commission shall require license agents to pay penalties of twenty five percent (25%) of the agents' fees on any license fees remitted to the Commission after the fifteenth day of the month immediately following the month of sale.~~

~~(d) The Wildlife Resources Commission may make rules in implementing the authority granted in subsection (c), but it need not set out in its rules details as to forms of license, records and accounting procedures, and other reasonable requirements that may be administratively promulgated by employees of the Wildlife Resources Commission in implementation of the purposes of this Article in order for such administrative requirements to be deemed validly required. It is a Class 1 misdemeanor for a license agent to do any of the following:~~

- ~~(1) To withhold~~Withhold or misappropriate funds from the sale of licenses;licenses or permits.
- ~~(2) To falsify~~Falsify records of licenses sold;or permits sold.
- ~~(3) Wilfully~~Willfully and knowingly ~~to~~ assist or allow a person to obtain a license or permit for which ~~he is ineligible;~~the person is ineligible.
- ~~(4) Wilfully to~~Willfully issue a backdated license;license or permit.
- ~~(5) Wilfully on records or licenses to~~Willfully include false information or omit material information ~~as to;~~on records, licenses, or permits regarding either:
 - a. A person's entitlement to a particular ~~license;~~license or permit.
 - b. The applicability or term of a particular ~~license;~~license or permit.
- ~~(6) To refuse to return all consigned licenses, or to remit the net value of consigned licenses sold or unaccounted for, upon demand from an authorized employee of the Wildlife Resources Commission.~~Charge or accept any additional fee, remuneration, or other item of value in association with any activity set out in subdivisions (1) through (5) of this subsection.

~~(e) The Executive Director may temporarily suspend, revoke, or refuse to renew a person's appointment as a license agent if he fails in a timely manner to submit required reports, remit moneys due the Wildlife Resources Commission, or otherwise comply with the qualifications and standards set by the Wildlife Resources Commission or with reasonable administrative directives of the Executive Director. The temporary suspension is effective immediately upon communication of that fact to the license agent or his representative handling the licenses. The communication as to suspension must state the~~

grounds for suspension and that the license agent may request a hearing within five working days if he contests the grounds for suspension. If not in writing, the communication must be followed by written notice of suspension containing the same information. By personal service of an impoundment order upon a license agent or his representative handling the licenses, an employee or agent of the Wildlife Resources Commission may enter the premises and impound all licenses, moneys, record books, reports, license forms, and other documents, ledgers, and materials pertinent or apparently pertinent to the license agency being suspended. The Executive Director must make the impounded property, or copies of it, available to the licensee during the period of temporary suspension.

(f) If a hearing is requested, it is before the Executive Director or his designee to be held at Raleigh or some other place convenient to the parties specified by the Executive Director. The temporary suspension remains in effect until the hearing, and after the hearing may be rescinded or continued in effect, as the facts warrant, in the discretion of the Executive Director. A temporary suspension may not last longer than 30 days, but additional suspensions may be imposed if at the end of the suspension period the license agent is still not in compliance with appropriate standards, qualifications, and administrative directives. A license agent may at any time after a hearing appeal his suspension to the Wildlife Resources Commission.

(g) Notice of revocation or nonrenewal of the appointment may be sent the license agent in lieu of or in addition to temporary suspension. The notice must state the grounds for termination of the appointment and the license agent's right to a hearing if he has not previously been afforded one. If the appointment is to be revoked, the notice must state the effective date and hour of revocation. If the appointment is not to be renewed, the notice must state that the appointment expires at midnight on April 30. If he has not been previously afforded a hearing, a license agent is entitled to a hearing within 14 days before the Executive Director or his designee to be held at Raleigh or some other place convenient to the parties specified by the Executive Director. After the hearing, the Executive Director, applying appropriate standards, must take the action with respect to the appointment as license agent that the facts warrant. If the Executive Director upholds the decision to terminate the appointment, a license agent may appeal his termination to the Wildlife Resources Commission. Pending the hearing and any appeal from it, the termination is held in abeyance, but no license sales may be made once the license agent's bond has expired.

(h) Upon termination of the appointment, the former agent must return to the Wildlife Resources Commission all record books, reports, license forms, moneys, and other property pertaining to the license agency, and must allow agents of the Wildlife Resources Commission to conduct necessary inspections and audits required in terminating the license agency. Each day's refusal after termination to return, upon demand, the record books, reports, license forms, moneys, and other property pertaining to the license agency is a separate offense. Each instance of refusal, after termination, to allow agents of the Wildlife Resources Commission to conduct necessary inspections and audits during regular business hours is a separate offense. A violation of this subsection is a Class 2 misdemeanor. Before termination, violations by license

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~~agents are punishable under G.S. 113-135, subsection (d) above, or other provision of this Subchapter, as appropriate.~~

~~(i) No person denied appointment or whose appointment was terminated under this section is eligible to apply again for an appointment as a license agent for two years. Upon application, the executive director may not grant the appointment as license agent unless the applicant produces clear evidence, convincing to the Executive Director, that he meets all standards and qualifications and will comply with all requirements of statutes, rules, and reasonable administrative directives pertaining to license agents.~~

~~(j) The Executive Director or his designee holding any hearing under this section must keep a written record of evidence considered and findings made. Upon appeal to the Wildlife Resources Commission, the commission chairman or other presiding officer must cause such a written record of evidence and findings to be made and kept. Hearings and appeals under this section are internal matters concerning license agents of the Wildlife Resources Commission and are not governed by the North Carolina Administrative Procedure Act."~~

SECTION 3.3. G.S. 150B-1(e) is amended by adding a new subdivision to read:

"(e) Exemptions From Contested Case Provisions. – The contested case provisions of this Chapter apply to all agencies and all proceedings not expressly exempted from the Chapter. The contested case provisions of this Chapter do not apply to the following:

- ...
- (15) The Wildlife Resources Commission with respect to determinations of whether to authorize or terminate the authority of a person to sell licenses and permits as a license agent of the Wildlife Resources Commission."

PART IV. MISCELLANEOUS PROVISIONS; EFFECTIVE DATES

SECTION 4.1. The headings to the parts of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

SECTION 4.2. If any section or provision of this act is declared unconstitutional or invalid by the courts, the unconstitutional or invalid section or provision does not affect the validity of this act as a whole or any part of this act other than the part declared to be unconstitutional or invalid.

SECTION 4.3. Sections 1.13, 1.14, 1.17, 1.18, 1.19, 1.20, 4.1, 4.2, and 4.3 of this act are effective when this act becomes law. Section 2.10 of this act becomes effective July 1, 2005. Sections 1.9, 1.10, 1.15, 1.21, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, and 2.9 of this act become effective January 1, 2006. Section 3.3 of this act becomes effective January 1, 2006, and applies to determinations made on or after that date. Sections 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.11, 1.12, and 1.16 of this act become effective January 1, 2007. Section 3.1 of this act is effective when this act becomes law and expires on the date that all rules adopted by the Wildlife Resources Commission pursuant to Section 3.1 become effective. The Chair of the Wildlife Resources Commission

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shall notify the Revisor of Statutes when all rules adopted by the Wildlife Resources Commission pursuant to Section 3.1 of this act become effective. Section 3.2 of this act becomes effective on the date that all rules adopted by the Wildlife Resources Commission pursuant to Section 3.1 of this act become effective, except that G.S. 113-270.1(b3) and (b4) become effective January 1, 2006.

The Conference Report, which changes the title, is placed on today's Supplemental Calendar for adoption.

The Chair grants a leave of absence for the remainder of today's session to Senator Dalton.

CALENDAR *(continued)*

H.B. 888 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR COCKFIGHTING.

Senator Albertson offers Amendment No. 1 which is adopted (22-20).

The Senate Committee Substitute bill, as amended, passes its second (36-8) 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. 1085 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEFENDANT ARRESTED FOR USING DOGS FOR FIGHTING TO POST A DEPOSIT TO THE ANIMAL SHELTER TO PAY FOR THE DOGS' KEEP DURING THE PERIOD PRIOR TO ADJUDICATION OF THE CHARGES.

The Senate Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 1096 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) CHANGE THE NAME OF THE WETLANDS RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND; (4) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (5) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; (6) PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION; (7) MAKE CLARIFYING

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AMENDMENTS TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973; (8) CHANGE THE NAME OF THE AIR QUALITY COMPLIANCE ADVISORY PANEL TO THE SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL; AND (9) PROVIDE EXEMPTIONS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS FOR CERTAIN PERSONS AND CERTAIN ACTIVITIES.

The Senate Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 1145 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROBATION IS STAYED DURING AN APPEAL FOR A TRIAL DE NOVO FROM A JUDGMENT ENTERED BY A MAGISTRATE OR DISTRICT COURT JUDGE.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1174 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS REGARDING THE ISSUANCE AND REVOCATION OF PERMITS AT LOCATIONS THAT ARE OR BECOME UNSUITABLE TO HOLD ABC PERMITS.

The Senate Committee Substitute bill passes its second (45-3) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

Upon the appearance of Senator Dalton in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 1176 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CAP ON PROPERTY OF A JUDGMENT DEBTOR THAT IS FREE OF THE ENFORCEMENT OF THE CLAIMS OF CREDITORS, AND TO EXEMPT CERTAIN TYPES OF PROPERTY FROM ENFORCEMENT.

Senator Smith offers Amendment No. 1 which fails of adoption (16-31).

The Senate Committee Substitute bill passes its second (47-2) 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. 1202, A BILL TO BE ENTITLED AN ACT TO CLARIFY ALTERNATIVE REPRESENTATION OF METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1029 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT FACILITATING THE ESTABLISHMENT OF LOCAL GOVERNMENT

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PROGRAMS TO CLEAR STREAMS BY CLARIFYING LOCAL GOVERNMENT LIABILITY FOR SUCH ACTIONS, ordered engrossed on Thursday, August 11, and recalled from the Engrossing Office earlier today and placed on today's Calendar for further consideration.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate Committee Substitute bill passed its second reading be reconsidered, which motion prevails.

Having voted with the majority, Senator Rand offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered which motion prevails.

The question before the Body becomes the adoption of Amendment No. 1.

Senator Horton withdraws Amendment No. 1.

Senator Horton offers Amendment No. 2 which is adopted (48-0) and changes the title upon concurrence to read **H.B. 1029** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT FACILITATING THE ESTABLISHMENT OF LOCAL GOVERNMENT PROGRAMS TO CLEAR STREAMS BY CLARIFYING LOCAL GOVERNMENT LIABILITY FOR SUCH ACTIONS AND TO ALLOW THE VILLAGE OF CLEMMONS AND THE TOWN OF KERNERSVILLE TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS IT MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

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. 1217, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1227 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT AND TO AMEND MOTOR VEHICLE FRANCHISE LAWS.

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. 1261 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, TO CLARIFY THE AUTHORIZED EXPENDITURES FROM THE EMERGENCY TELEPHONE SYSTEM FUND, TO CAP WIRE 911 SERVICE CHARGES, AND TO STUDY ISSUES RELATED TO ARTICLE 1 OF CHAPTER 62A OF THE GENERAL STATUTES.

Upon motion of Senator Hoyle, the President orders, without objection, the Senate Committee Substitute bill No. 2 temporarily displaced.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 650 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES, TO AUTHORIZE A LARGER FEE FOR COMPLEX BUSINESS CASES, AND TO CHANGE THE DATE DISTRICT COURT JUDGES TAKE OFFICE, 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 60539, which changes the title upon concurrence to read **H.B. 650** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES, TO CLARIFY THE PROCEDURE FOR ASSIGNING COMPLEX BUSINESS CASES, TO AUTHORIZE A LARGER FEE FOR COMPLEX BUSINESS CASES, AND TO CHANGE THE DATE DISTRICT COURT JUDGES TAKE OFFICE, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Kerr for the **Finance Committee**:

S.B. 1149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, with a favorable report.

The Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 116 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PRESENT-USE VALUE ELIGIBILITY, TO AMEND THE PERIOD FOR APPEAL OF A PRESENT-USE VALUE DETERMINATION OR APPRAISAL, TO MODIFY THE TAX YEAR FOR MOTOR VEHICLES THAT ARE TO BE SWITCHED FROM AN ANNUAL SYSTEM OF REGISTRATION TO A STAGGERED SYSTEM EFFECTIVE JANUARY 1, 2006, AND TO APPLY THE SAME PENALTY THAT CURRENTLY APPLIES TO PAYMENTS BY CHECK TO PROPERTY TAX PAYMENTS MADE BY ELECTRONIC PAYMENTS, with a favorable report.

The Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF WINSTON-SALEM TO LEVY A MOTOR

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VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY OF WINSTON-SALEM, with a favorable report.

The Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 613 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY, with a favorable report.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOMEMAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS, with a favorable report.

The Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 682 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO PUBLIC HEALTH AUTHORITIES, SANITARY DISTRICTS, AND METROPOLITAN SEWERAGE DISTRICTS THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES, with a favorable report as to concurrence.

The House Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 868, A BILL TO BE ENTITLED AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85297, is adopted and engrossed.

The bill is placed on today's Supplemental Calendar.

H.B. 1095 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH UNIFORM CRITERIA FOR DRINKING WATER, WASTEWATER, AND STORMWATER LOANS AND GRANTS, TO CLARIFY AND REVISE THE PROCEDURES THAT APPLY TO THESE LOANS AND GRANTS TO REFLECT THE EXHAUSTION OF THE 1998 CLEAN WATER BOND PROCEEDS, AND TO PROVIDE FOR GREATER COORDINATION AMONG AGENCIES THAT MAKE LOANS AND GRANTS FOR WATER PROJECTS BY ESTABLISHING THE WATER INFRASTRUCTURE COMMISSION, 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, 60538, is adopted and engrossed.

The Senate Committee Substitute bill No. 2 is placed on today's Supplemental Calendar.

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H.B. 1277 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 10401, is adopted and engrossed.

The Senate Committee Substitute bill No. 2 is placed on today's Supplemental Calendar.

H.B. 1541 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS, 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, 50494, is adopted and engrossed.

The Senate Committee Substitute bill No. 2 is placed on today's Supplemental Calendar.

The Senate recesses at 3:35 P.M. to reconvene at 6:00 P.M. subject to receipt of Conference Reports and Committee Reports.

CONFERENCE REPORT

Senator Garrou, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 217** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES, 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 217, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES, Senate Judiciary II Committee Substitute Adopted 6/14/05, Fourth Edition Engrossed 6/22/05, submit the following report:

The House and Senate agree to the following amendment to the Senate Judiciary II Committee Substitute Adopted 6/14/05, Fourth Edition Engrossed 6/22/05, and the House concurs in the Senate Committee Substitute as amended:

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Delete the entire Senate Committee Substitute and substitute the attached Proposed Conference Committee Substitute H217-PCCS70561-LH-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 12, 2005.

Conferees for the Senate

S/Senator Kay Hagan
S/Senator Philip Berger
S/Senator Janet Cowell
S/Senator Tony Rand

Conferees for the House of
Representatives

S/Representative Pricey Harrison
Representative Joe Hackney
S/Representative Deborah Ross
S/Representative Paul Stam
Representative Bonner Stiller

The text of the attached Proposed Conference Committee Substitute, PCCS H217-PCCS70561-LH-2, which changes the title, is as follows:

A BILL TO BE ENTITLED

AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-166 reads as rewritten:

"§ 20-166. **Duty to stop in event of accident or collision; furnishing information or assistance to injured person, etc.; persons assisting exempt from civil liability.**

- (a) The driver of any vehicle who knows or reasonably should know:
- (1) That the vehicle which he or she is operating is involved in an accident or collision; and
 - (2) That the accident or collision has resulted in injury or death to any person;

shall immediately stop his or her vehicle at the scene of the accident or collision. ~~He~~ The driver shall remain with the vehicle at the scene of the accident until a law-enforcement officer completes ~~his~~ the investigation of the accident or collision or authorizes ~~him~~ the driver to leave; leave and the vehicle to be removed, unless remaining at the scene places the driver or others at significant risk of injury.

Prior to the completion of the investigation of the accident by a law enforcement officer, or the consent of the officer to leave, the driver may not facilitate, allow, or agree to the removal of the vehicle from the scene for any purpose other than to call for a law enforcement officer, to call for medical assistance or medical treatment as set forth in subsection (b) of this section, or to remove oneself or others from significant risk of injury. Provided, however, that he may leave to call for a law enforcement officer or for medical assistance or

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~~medical treatment as set forth in (b), but~~ If the driver does leave for a reason permitted by this subsection, then the driver must return with the vehicle to the accident scene within a reasonable period of time, unless otherwise instructed by a law enforcement officer. A willful violation of this subsection shall be punished as a Class H felony.

(b) In addition to complying with the requirement of ~~(a), subsection (a) of this section,~~ the driver as set forth in subsection (a) shall give his or her name, address, driver's license number and the license plate number of ~~his~~ the vehicle to the person struck or the driver or occupants of any vehicle collided with, provided that ~~such~~ the person or persons are physically and mentally capable of receiving such information, and shall render to any person injured in such accident or collision reasonable assistance, including the calling for medical assistance if it is apparent that such assistance is necessary or is requested by the injured person. A violation of this subsection is a Class 1 misdemeanor.

(c) The driver of any vehicle, when he or she knows or reasonably should know that the vehicle which he or she is operating is involved in an accident or collision, which accident or collision, results:

- (1) Only in damage to property; or
- (2) In injury or death to any person, but only if the operator of the vehicle did not know and did not have reason to know of the death or injury;

shall immediately stop ~~his~~ the vehicle at the scene of the accident or collision. If the accident is a reportable accident, the driver shall remain with the vehicle at the scene of the accident until a law enforcement officer completes the investigation of the accident or authorizes the driver to leave and the vehicle to be removed, unless remaining at the scene places the driver or others at significant risk of injury.

Prior to the completion of the investigation of the accident by a law enforcement officer, or the consent of the officer to leave, the driver may not facilitate, allow, or agree to the removal of the vehicle from the scene, for any purpose other than to call for a law enforcement officer, to call for medical assistance or medical treatment, or to remove oneself or others from significant risk of injury. If the driver does leave for a reason permitted by this subsection, then the driver must return with the vehicle to the accident scene within a reasonable period of time, unless otherwise instructed by a law enforcement officer. A willful violation of this subsection is a Class 1 misdemeanor.

(c1) In addition to complying with the requirement of ~~(e), subsection (c) of this section,~~ the driver as set forth in subsection (c) shall give his or her name, address, driver's license number and the license plate number of his vehicle to the driver or occupants of any other vehicle involved in the accident or collision or to any person whose property is damaged in the accident or collision. If the damaged property is a parked and unattended vehicle and the name and location of the owner is not known to or readily ascertainable by the driver of the responsible vehicle, the ~~said~~ driver shall furnish the information required by this subsection to the nearest available peace officer, or, in the alternative, and provided ~~he~~ the driver thereafter within 48 hours fully complies with G.S. 20-166.1(c), shall immediately place a paper-writing containing ~~said~~ the

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information in a conspicuous place upon or in the damaged vehicle. If the damaged property is a guardrail, utility pole, or other fixed object owned by the Department of Transportation, a public utility, or other public service corporation to which report cannot readily be made at the scene, it shall be sufficient if the responsible driver shall furnish the information required to the nearest peace officer or make written report thereof containing ~~said the~~ information by U.S. certified mail, return receipt requested, to the North Carolina Division of Motor Vehicles within five days following ~~said the~~ collision. A violation of this subsection is a Class 1 misdemeanor.

(c2) ~~If Notwithstanding subsections (a) and (c) of this section, if an~~ accident or collision occurs on a main lane, ramp, shoulder, median, or adjacent area of a highway, each vehicle shall be moved as soon as possible out of the travel lane and onto the shoulder or to a designated accident investigation site to complete the requirements of this section and minimize interference with traffic if all of the following apply:

- (1) The accident or collision has not resulted in injury or death to any person or the drivers did not know or have reason to know of any injury or death.
- (2) Each vehicle can be normally and safely driven. For purposes of this subsection, a vehicle can be normally and safely driven if it does not require towing and can be operated under its own power and in its usual manner, without additional damage or hazard to the vehicle, other traffic, or the roadway.

(d) Any person who renders first aid or emergency assistance at the scene of a motor vehicle accident on any street or highway to any person injured as a result of ~~such the~~ accident, shall not be liable in civil damages for any acts or omissions relating to ~~such the~~ services rendered, unless ~~such the~~ acts or omissions amount to wanton conduct or intentional wrongdoing.

(e) The Division of Motor Vehicles shall revoke the drivers license of a person convicted of violating subsection (a) of this section for a period of one year, unless the court makes a finding that a longer period of revocation is appropriate under the circumstances of the case. If the court makes this finding, the Division of Motor Vehicles shall revoke that person's drivers license for two years. Upon a first conviction only for a violation of subsection (a) of this section, a trial judge may allow limited driving privileges in the manner set forth in G.S. 20-179.3(b)(2) during any period of time during which the drivers license is revoked."

SECTION 2. Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-166.2. Duty of passenger to remain at the scene of an accident.

(a) The passenger of any vehicle who knows or reasonably should know that the vehicle in which he or she is a passenger is involved in an accident or collision shall not willfully leave the scene of the accident by acting as the driver of a vehicle involved in the accident until a law enforcement officer completes the investigation of the accident or collision or authorizes the passenger to leave, unless remaining at the scene places the passenger or others at significant risk of injury.

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Prior to the completion of the investigation of the accident by a law enforcement officer, or the consent of the officer to leave, the passenger may not facilitate, allow, or agree to the removal of the vehicle from the scene, for any purpose other than to call for a law enforcement officer, to call for medical assistance or medical treatment as set forth in subsection (b) of this section, or to remove oneself or others from a significant risk of injury. If the passenger does leave the scene of an accident by driving a vehicle involved in the accident for a reason permitted by this subsection, the passenger must return with the vehicle to the accident scene within a reasonable period of time, unless otherwise instructed by a law enforcement officer. A willful violation of this subsection is a Class H felony if the accident or collision is described in G.S. 20-166(a). A willful violation of this subsection is a Class 1 misdemeanor if the accident or collision is a reportable accident described in G.S. 20-166(c).

(b) In addition to complying with the requirement of subsection (a) of this section, the passenger shall give the passenger's name, address, drivers license number, and the license plate number of the vehicle in which the passenger was riding, if possible, to the person struck or the driver or occupants of any vehicle collided with, provided that the person or persons are physically and mentally capable of receiving the information, and shall render to any person injured in the accident or collision reasonable assistance, including the calling for medical assistance if it is apparent that such assistance is necessary or is requested by the injured person. A violation of this subsection is a Class 1 misdemeanor."

SECTION 3. This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.

Upon motion of Senator Rand, the Conference Report is placed on today's Supplemental Calendar for adoption.

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 Holloman for the **State & Local Government Committee:**

H.B. 1078, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANGIER TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, 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 80448, which changes the title upon concurrence to read **H.B. 1078** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE

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TOWN OF ANGIER AND THE TOWN OF LAGRANGE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWNS' WEEDED LOT ORDINANCE, is adopted and engrossed.

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

H.B. 182, 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.

The bill is placed on today's Supplemental Calendar.

H.B. 485 (Committee Substitute), 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, with a favorable report.

The Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 612, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF TROUTMAN TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES, with a favorable report.

The bill is placed on today's Supplemental Calendar.

By Senator Dalton for the **Appropriations/Base Budget Committee**:

S.B. 725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, with a favorable report.

The Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 837, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RETIRED EMPLOYEES HAVE AT LEAST TEN YEARS OF RETIREMENT BENEFIT SERVICE CREDIT IN ORDER TO QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, with a favorable report.

The bill is placed on today's Supplemental Calendar.

H.B. 750 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS, with a favorable report.

The Committee Substitute bill is placed on today's Supplemental Calendar.

CALENDAR *(continued)*

H.B. 1266, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT THE DEPARTMENT OF TRANSPORTATION WILL PAY AS

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RELOCATION ASSISTANCE FOR REASONABLE EXPENSES FOR SEARCHING FOR A REPLACEMENT BUSINESS OR FARM, AS REQUIRED BY FEDERAL REGULATION.

The bill passes its second (45-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1279 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SPEEDING TO ELUDE ARREST STATUTES TO CLARIFY THE PROXIMATE CAUSE REQUIREMENT WHEN THE OFFENSE RESULTS IN DEATH.

Upon motion of Senator Clodfelter, the President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 1284 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 1295 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MAXIMUM WEIGHT OF A MOTOR VEHICLE THAT IS SUBJECT TO THE NEW MOTOR VEHICLES WARRANTIES ACT AND TO PROMOTE THE EXPEDITIOUS SETTLEMENT OF CLAIMS WHEN THE CONSUMER REQUESTS THE MANUFACTURER TO REPURCHASE THE MOTOR VEHICLE.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 1311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING DOMESTIC VIOLENCE VICTIMS TO APPLY FOR A TEMPORARY CONCEALED HANDGUN PERMIT UPON SHOWING PROOF OF A PROTECTIVE ORDER ISSUED UNDER CHAPTER 50B OF THE GENERAL STATUTES AS EVIDENCE OF AN EMERGENCY SITUATION IN ORDER TO EMPOWER DOMESTIC VIOLENCE VICTIMS TO PROTECT THEMSELVES AND THEIR FAMILIES.

The Committee Substitute bill passes its second (43-4) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1385 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124.

Senator Albertson offers Amendment No. 1 which is adopted (48-0).

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The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1389, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS.

The bill passes its second (47-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1279 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SPEEDING TO ELUDE ARREST STATUTES TO CLARIFY THE PROXIMATE CAUSE REQUIREMENT WHEN THE OFFENSE RESULTS IN DEATH, temporarily displaced earlier.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1261 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, TO CLARIFY THE AUTHORIZED EXPENDITURES FROM THE EMERGENCY TELEPHONE SYSTEM FUND, TO CAP WIRE 911 SERVICE CHARGES, AND TO STUDY ISSUES RELATED TO ARTICLE 1 OF CHAPTER 62A OF THE GENERAL STATUTES.

The Senate Committee Substitute bill No. 2 passes its second (47-2) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 1390, A BILL TO BE ENTITLED AN ACT TO MAKE THE LAW GOVERNING THE COMMERCIAL TRANSPORTATION OF ALCOHOLIC BEVERAGES CONSISTENT WITH THE LAW GOVERNING THE AMOUNTS OF ALCOHOLIC BEVERAGES THAT MAY BE PURCHASED WITHOUT A PERMIT.

The bill passes its second (42-7) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1404 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS TO SERVE PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES.

Senator Clodfelter offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1416, A BILL TO BE ENTITLED AN ACT TO MAKE TOWNS OR CITIES WHERE A RAILROAD PASSENGER TERMINUS EXISTS ELIGIBLE TO HOLD MALT BEVERAGE PERMIT ELECTIONS.

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The bill passes its second (33-16) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF MOTOR VEHICLE OIL FILTERS, RIGID PLASTIC CONTAINERS, AND WOODEN PALLETS IN LANDFILLS.

Senator Boseman offers Amendment No. 1 which is adopted (48-1), and changes the title upon concurrence to read **H.B. 1465** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF MOTOR VEHICLE OIL FILTERS, RIGID PLASTIC CONTAINERS, WOODEN PALLETS, AND OYSTER SHELLS IN LANDFILLS.

Without objection, Senator Bingham requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

Senator East offers Amendment No. 2 which is adopted (38-10).

The Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in Senate Amendments No. 1 and No. 2.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 128, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS, 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 60542, which changes the title upon concurrence to read **H.B. 128** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES; TO CLARIFY HOW A VOTER SHALL REPORT A MOVE; TO CLARIFY THE RESIDENCE FOR VOTING PURPOSES OF CERTAIN PERSONS; TO AMEND THE STATUTES RELATING TO CHALLENGES; TO PROVIDE THAT EXCEPT FOR THEIR ENVELOPE, PROVISIONAL BALLOTS SHALL NOT BE MARKED TO BE IDENTIFIABLE TO A VOTER; AND TO MAKE CHANGES TO THE PUBLIC CAMPAIGN FUND, is adopted and engrossed.

H.B. 1115 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT;

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TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO CHANGE THE DEADLINE FOR FILING A PROTEST FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING PLACES ON ELECTION DAY; TO CHANGE THE REQUIREMENT FOR A STATEWIDE UNAFFILIATED CANDIDATE TO CONFORM TO A FEDERAL COURT DECISION; TO PROHIBIT PIECE PAYMENT FOR VOTER REGISTRATION DRIVES; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW FOR THE CANCELLATION OF A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR AND CHANGE OTHER RELATED DATES; TO CLARIFY HOW WINNERS OF ELECTIONS SHALL BE DETERMINED; AND TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS, AS RECOMMENDED BY THE HOUSE COMMITTEE ON ELECTION LAWS AND CAMPAIGN FINANCE REFORM, 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 60541, which changes the title upon concurrence to read **H.B. 1115** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO CHANGE THE DEADLINE FOR FILING A PROTEST FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING PLACES ON ELECTION DAY; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW FOR THE CANCELLATION OF A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER

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REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR AND CHANGE OTHER RELATED DATES; TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS; TO CLARIFY HOW WINNERS OF ELECTIONS SHALL BE DETERMINED; TO CLARIFY THAT A VOTER WHOSE NAME HAS BEEN REMOVED FROM THE REGISTRATION LIST MAY VOTE UPON AFFIRMING THAT THE VOTER HAS NOT MOVED FROM THE COUNTY; TO PROVIDE FOR THE CORRECTION OF AN OMISSION ON THE VOTER REGISTRATION FORM; TO AUTHORIZE PARTICIPATION IN THE 2010 CENSUS REDISTRICTING DATA PROGRAM; AND TO AUTHORIZE BOARDS OF ELECTIONS TO ALLOW KNOWN VOTERS WHOSE VOTES WERE LOST TO RECAST THEIR BALLOTS DURING A TWO-WEEK PERIOD AFTER THE ELECTION, is adopted and engrossed.

H.B. 1128 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE TRAINING FOR CAMPAIGN TREASURERS; TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO SET A THREE-YEAR TIME LIMIT BEFORE ANY UNPAID DEBT IN A CAMPAIGN IS DEEMED TO BE A CONTRIBUTION; TO INCLUDE VACANCY ELECTIONS AND NONPARTISAN RUNOFFS IN THE DEFINITION OF "ELECTION" FOR PURPOSES OF CONTRIBUTION LIMITS; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO LIMIT THE USE OF CREDIT CARDS FOR PAYMENT OF EXPENDITURES IN PUBLICLY FUNDED JUDICIAL CAMPAIGNS; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; AND TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT, 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 60543, which changes the title upon concurrence to read **H.B. 1128** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AN AUDIT

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TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT; AND TO CLARIFY THE DEFINITION OF "CORPORATION," is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1468 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE CERTAIN TELECOMMUNICATION SERVICE PROVIDERS TO BE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS.

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.

H.B. 1491 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE LIABILITY INSURANCE FOR SCHOOL SOCIAL WORKERS WHO TRANSPORT STUDENTS.

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.

H.B. 1518 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HOLDERS OF CERTAIN ABC PERMITS TO RECYCLE ALL RECYCLABLE CONTAINERS OF ALL BEVERAGES SOLD AT RETAIL ON THE PREMISES AND TO PROHIBIT THE DISPOSAL OF THOSE CONTAINERS IN LANDFILLS OR BY INCINERATION.

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.

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H.B. 1539 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT RELATING TO ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA AND TO CREATE A PANEL TO DETERMINE WHETHER UNIVERSITY ACTIVITIES VIOLATE THE ACT.

Senator Kinnaird offers Amendment No. 1.

Upon motion of Kinnaird, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, August 13, with Amendment No. 1 pending.

H.B. 891 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES, as amended on second reading.

The Committee Substitute bill, as amended, passes its third reading (49-0) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 856 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO TRIAL PREPARATION MATERIAL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1124 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE A PENALTY FOR BREACHING THE CONFIDENTIALITY OF SCHOOL EMPLOYEE PERSONNEL FILES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 11, 2005

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. 974** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN

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UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, AND AUTHORIZE ALCOHOLIC BEVERAGES TO BE MADE AVAILABLE BY SELF-SERVICE IN SUITES OF MAJOR LEAGUE SPORTS FACILITIES.

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

CALENDAR (*continued*)

S.B. 974 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, AND AUTHORIZE ALCOHOLIC BEVERAGES TO BE MADE AVAILABLE BY SELF-SERVICE IN SUITES OF MAJOR LEAGUE SPORTS FACILITIES, for adoption.

Upon motion of Senator Dannelly, the Conference Report is adopted (38-11).

Pursuant to a message received earlier today from the House of Representatives that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 11, 2005

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. 428** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT.

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

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Pursuant to the Senate having adopted the Conference Report for **S.B. 428** on August 11, the President orders the bill enrolled and sent to the Governor.

The Senate recesses at 7:00 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 8:00 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 as follows:

By Senator Dalton for the **Appropriations/Base Budget Committee**:

H.B. 320, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OF STATE-OWNED REAL PROPERTY ENCOMPASSING THE DOROTHEA DIX HOSPITAL CAMPUS WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY, 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 80454, which changes the title upon concurrence to read **H.B. 320** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING AMENDMENTS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2005, is adopted and engrossed.

Upon motion of Senator Dalton, the Senate Committee Substitute bill is placed on the Calendar for immediate consideration.

Senator Dalton offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (29-20) 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.

SUPPLEMENTAL CALENDAR

Bills and a resolution on today's Supplemental Calendar are taken up and disposed of, as follows:

H.B. 464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF WINSTON-SALEM TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY OF WINSTON-SALEM, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 6, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—43.

Voting in the negative: Senators Brock, East, Forrester, Pittenger, Presnell and Webster—6.

The Committee Substitute bill remains on the Calendar for tomorrow, August 13, upon third reading.

H.B. 116 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PRESENT-USE VALUE ELIGIBILITY, TO AMEND THE PERIOD FOR APPEAL OF A PRESENT-USE VALUE DETERMINATION OR APPRAISAL, TO MODIFY THE TAX YEAR FOR MOTOR VEHICLES THAT ARE TO BE SWITCHED FROM AN ANNUAL SYSTEM OF REGISTRATION TO A STAGGERED SYSTEM EFFECTIVE JANUARY 1, 2006, AND TO APPLY THE SAME PENALTY THAT CURRENTLY APPLIES TO PAYMENTS BY CHECK TO PROPERTY TAX PAYMENTS MADE BY ELECTRONIC PAYMENTS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, August 13, upon third reading.

H.B. 237 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY ALLOWING REGISTRATION OF LIMITED LOAN OFFICERS OF DEFINED AFFILIATED MORTGAGE BANKERS AND TO ESTABLISH ADDITIONAL SUPERVISION AND ENFORCEMENT AUTHORITY FOR THE COMMISSIONER OF BANKS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

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The Committee Substitute bill No. 2 remains on the Calendar for tomorrow, August 13, upon third reading.

S.B. 868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 217 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES.

Upon motion of Senator Hagan, the Conference Report is taken up out of its regular order of business.

Upon motion of Senator Hagan, the Senate adopts the Conference Report (49-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 1149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES.

Upon motion of Senator Jenkins, the President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 1409 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND, AND WHETHER IT WILL REASONABLY ASSURE THE DEFENDANT'S APPEARANCE.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Supplemental Calendar and is placed on the Calendar for tomorrow, August 13.

S.B. 223 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING

PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP.

Upon motion of Senator Kinnaird, the House Committee Substitute bill is withdrawn from today's Supplemental Calendar and is placed on the Calendar for tomorrow, August 13.

WITHDRAWAL FROM CALENDAR

H.B. 1539 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT RELATING TO ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA AND TO CREATE A PANEL TO DETERMINE WHETHER UNIVERSITY ACTIVITIES VIOLATE THE ACT, placed on the Calendar for tomorrow, August 13, with Amendment No. 1 pending.

Senator Kinnaird, offers a motion that the rules be suspended and that the Senate Committee Substitute bill be withdrawn from the Calendar for Saturday, August 13, and placed before the Senate for immediate consideration which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Saturday, August 13, and places it before the Senate for immediate consideration, with Amendment No. 1 pending.

Amendment No. 1 is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

CALENDAR *(continued)*

S.B. 1149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, temporarily displaced earlier today.

Senator Jenkins offers Amendment No. 1.

Upon motion of Senator Jenkins, the Committee Substitute bill is temporarily displaced with Amendment No. 1 pending.

H.B. 62, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL.

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The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 1149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, temporarily displaced earlier today with Amendment No. 1 pending.

Amendment No. 1 is adopted (49-0), and changes the title to read **S.B. 1149** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO EXTEND AND EXPAND THE CREDIT FOR INVESTMENT IN RENEWABLE ENERGY PROPERTY.

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

H.B. 99 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT AND TO CREATE THE STUDY COMMITTEE ON WORKERS' COMPENSATION BENEFITS, as amended by the Commerce Committee and temporarily displaced earlier today.

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 490, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW WITH REGARD TO MAKING A FALSE REPORT CONCERNING A DESTRUCTIVE DEVICE.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 569 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC VIOLENCE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, as amended by the Rules and Operations of the Senate Committee.

The Committee Substitute bill No. 2, as amended, passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in Senate Amendment No. 1.

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H.B. 613 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY.

The Senate Committee Substitute bill passes its second (47-2) 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. 661 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR SERIOUS NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST.

The Senate Committee Substitute bill No. 2 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 No. 2.

H.B. 669 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES.

Without objection, Senator Smith requests to be excused from voting on the Senate Committee Substitute bill No. 2 due to a conflict of interest.

The Senate Committee Substitute bill No. 2 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 No. 2.

H.B. 706 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS.

Senator Rand offers Amendment No. 1 which fails of adoption (17-32).

The Senate Committee Substitute bill passes its second (45-4) 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. 779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR AIDING AND ABETTING A STUDENT'S UNLAWFUL ABSENCE FROM SCHOOL.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 801 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE TO RESOLVE THE ISSUE OF CONFLICTING CHILD CUSTODY ORDERS; TO CLARIFY THE EFFECT OF TERMINATING JURISDICTION IN CERTAIN JUVENILE CASES; TO GIVE THE COURT AUTHORITY TO CONVERT A JUVENILE COURT CUSTODY ORDER INTO A PERMANENT CUSTODY ORDER UNDER CHAPTER 50 OF THE GENERAL STATUTES; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW.

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The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 829 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL FLAGS.

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.

H.B. 967 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A VALIDLY EXECUTED HEALTH CARE POWER OF ATTORNEY AUTHORIZES THE HEALTH CARE AGENT TO EXERCISE RIGHTS WITH RESPECT TO ANATOMICAL GIFTS, AUTOPSY, OR DISPOSITION OF THE PRINCIPAL'S REMAINS, THE AUTHORIZING PROVISION WILL CONTINUE IN EFFECT AFTER THE DEATH OF THE PRINCIPAL FOR PURPOSES OF EXERCISING THE AUTHORIZED RIGHTS, TO DEFINE "DISPOSITION OF REMAINS", AND TO MAKE CONFORMING CHANGES.

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.

H.B. 1076 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL.

The Senate Committee Substitute bill passes its second (46-3) 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 9:45 P.M. for the purpose of a Finance Committee meeting to reconvene at 9:54 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 1095 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH UNIFORM CRITERIA FOR DRINKING WATER, WASTEWATER, AND STORMWATER LOANS AND GRANTS, TO CLARIFY AND REVISE THE PROCEDURES THAT APPLY TO THESE LOANS AND GRANTS TO REFLECT THE EXHAUSTION OF THE 1998

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CLEAN WATER BOND PROCEEDS, AND TO PROVIDE FOR GREATER COORDINATION AMONG AGENCIES THAT MAKE LOANS AND GRANTS FOR WATER PROJECTS BY ESTABLISHING THE WATER INFRASTRUCTURE COMMISSION.

The Senate Committee Substitute bill No. 2 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 No. 2.

H.B. 1150 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE JUVENILE CODE TO EXPEDITE OUTCOMES FOR CHILDREN AND FAMILIES INVOLVED IN WELFARE CASES AND APPEALS AND TO LIMIT THE APPOINTMENT OF GUARDIANS AD LITEM FOR PARENTS IN ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS.

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. 1213 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES UNDER CERTAIN CIRCUMSTANCES MAY HAVE THOSE CHARGES EXPUNGED IF THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT.

Upon motion of Senator Horton, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 1277 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM.

The Senate Committee Substitute bill No. 2 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 No. 2.

H.B. 1318 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS REGARDING EQUITABLE DISTRIBUTION BY REQUIRING THE COURT TO CONSIDER EVIDENCE RELATING TO BUILT-IN TAXES AND OTHER TAX CONSEQUENCES OF THE PARTIES TO A DIVORCE ACTION IN DETERMINING EQUITABLE DISTRIBUTION.

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.

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RECONSIDERATION

H.B. 320 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING AMENDMENTS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2005.

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 today be reconsidered, which motion prevails.

Senator Dalton further moves that the Senate Committee Substitute bill be placed before the Senate for immediate consideration, which motion prevails.

The question before the body is the passage of H.B. 320 on its third reading.

Upon motion of Senator Dalton, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 1349 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE ITS LICENSURE AND REGISTRATION FEES AND ESTABLISH CERTAIN NEW FEES AND MAKING CERTAIN CHANGES TO THE CONDITIONS OF LICENSE RENEWAL UNDER THE PHARMACY PRACTICE ACT, with a favorable report.

H.B. 1136 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES, 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, 50496, is adopted and engrossed.

SUPPLEMENTAL CALENDAR (*continued*)

H.B. 1328, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF OFFICIAL RECORDS WHEN A PERSON IS GRANTED A PARDON OF INNOCENCE.

Upon motion of Senator Dorsett, the bill is withdrawn from today's Supplemental Calendar and is placed on the Calendar for tomorrow, August 13.

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H.B. 1394 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PARENTS OF AN INCOMPETENT ADULT WHO IS NOT MARRIED TO RECOMMEND A GUARDIAN FOR THAT ADULT BY WILL OR OTHER DOCUMENT.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1401 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CIRCUMSTANCES UNDER WHICH FEDERAL LAW ENFORCEMENT OFFICERS AND SWORN LAW ENFORCEMENT OFFICERS MAY CARRY CONCEALED WEAPONS.

The Committee Substitute bill passes its second (46-2) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1411 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE CAP FOR THE AMOUNT FINANCED THAT FALLS WITHIN THE MEANING OF A CONSUMER CREDIT SALE IN ORDER TO REFLECT THE INCREASE IN THE COST OF CONSUMER GOODS AND SERVICES DUE TO INFLATION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1485, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SEARCH WARRANTS MAY BE OBTAINED BY AUDIO/VIDEO TRANSMISSIONS.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1527 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS.

Upon motion of Senator Clodfelter, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 1541 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS.

Senator Hagan offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 1543 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PHOTOGRAPHS AND VIDEO OR AUDIO RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT PUBLIC

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RECORDS AND TO ALLOW FOR LIMITED ACCESS TO RECORDED IMAGES OF AN AUTOPSY BY THE PUBLIC.

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.

H.B. 1527 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS, temporarily displaced earlier today.

Without objection, Senator Brown 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 (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.

The Senate recesses at 10:37 P.M. to reconvene at 10:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 1213 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES UNDER CERTAIN CIRCUMSTANCES MAY HAVE THOSE CHARGES EXPUNGED IF THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT, temporarily displaced earlier today.

Senator Horton offers Amendment No. 1 which is adopted (43-0).

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.

H.J.R. 1615 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN D. HALL, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Holloman, the Committee Substitute joint resolution is withdrawn from today's Supplemental Calendar and is placed on the Calendar for tomorrow, August 13.

H.B. 1635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOMEMAKERS

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AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

(On August 23, the Committee Substitute bill was recalled from the enrolling office and the President ruled that the Committee Substitute bill requires a call of the roll on second and third reading.

The Committee Substitute bill passed its second reading on August 12 by roll-call vote, ayes 44, noes 0 as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: None.

S.B. 682 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO PUBLIC HEALTH AUTHORITIES, SANITARY DISTRICTS, AND METROPOLITAN SEWERAGE DISTRICTS THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES, for concurrence in the House Committee Substitute bill.

The President rules that the House Committee Substitute bill does not require a call of the roll upon concurrence.

Upon motion of Senator Holloman, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 837, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RETIRED EMPLOYEES HAVE AT LEAST TEN YEARS OF RETIREMENT BENEFIT SERVICE CREDIT IN ORDER TO QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, placed earlier on today's Supplemental Calendar.

Upon motion of Senator Dalton, the bill is withdrawn from today's Supplemental Calendar and is placed on the Calendar for tomorrow, August 13.

S.B. 612 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYIST FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY.

Upon motion of Senator Rand, the Senate fails to concur in the House Committee Substitute bill No. 3 (0-47).

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Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 1126 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2006, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE WAIVER, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION AND THE WILDLIFE RESOURCES COMMISSION TO JOINTLY DISPERSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE.

Upon motion of Senator Albertson, the Senate adopts the Conference Report (49-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 612, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF TROUTMAN TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES, placed earlier on today's Supplemental Calendar.

The bill passes its second (49-0) and third readings and is ordered enrolled.

S.B. 725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, placed earlier on today's Supplemental Calendar.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM CALENDAR

H.B. 1328, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF OFFICIAL RECORDS WHEN A PERSON IS GRANTED A PARDON OF INNOCENCE, placed on the Calendar for tomorrow, August 13.

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Senator Dorsett, offers a motion that the rules be suspended and that the bill be withdrawn from the Calendar for August 13 and placed before the Senate for immediate consideration which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for August 13 and places it before the Senate for immediate consideration.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 182, 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, placed earlier on today's Supplemental Calendar.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 485 (Committee Substitute), 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, placed earlier on today's Supplemental Calendar.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered enrolled and sent to the Governor.

Upon motion of Senator Basnight, seconded by Senator Holloman, the Senate adjourns at 11:49 P.M. to meet tomorrow, Saturday, August 13, at 10:00 A.M.

ONE HUNDRED SIXTEEN DAY

Senate Chamber
Saturday, August 13, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, with your help there is no difficulty which cannot be overcome. Sometimes admittedly, we take a circuitous route when facing challenges, having attempted to go around them, under them, or over them. Finally, we just plow right through them. The men and women of the Senate have been doing some serious plowing in the last few days. With a few gees and haws still left, help them finish the garden, O God. Amen."

The Chair grants leaves of absence for today to Senator Jacumin and Senator Shaw.

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Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, August 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 344 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FOSTER ECONOMIC GROWTH IN NORTH CAROLINA BY LOWERING THE INDIVIDUAL AND CORPORATE INCOME TAX RATES AND PROVIDING FOR OTHER TAX RELIEF.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

H.B. 750 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS.

Senator Jenkins offers Amendment No. 1 which is adopted (45-1).

The Committee Substitute bill, as amended, passes its second (46-2) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in Senate Amendment No. 1.

H.B. 464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF WINSTON-SALEM TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY OF WINSTON-SALEM, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—42.

Voting in the negative: Senators Brock, East, Forrester, Pittenger, Presnell and Webster—6.

The Committee Substitute bill is ordered enrolled.

H.B. 1078 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANGIER AND THE TOWN OF LAGRANGE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWNS' WEEDED LOT ORDINANCE.

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.

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S.B. 402, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GUARANTEED ENERGY SAVINGS CONTRACTS INCLUDE CONSERVATION MEASURES FOR WATER AND OTHER UTILITIES, TO RAISE THE CAP FOR GUARANTEED ENERGY SAVINGS CONTRACTS, TO EXPAND THE STATE'S ENERGY POLICY AND LIFE-CYCLE COST ANALYSIS TO INCLUDE THE CONSERVATION OF WATER AND OTHER UTILITIES, AND TO MAKE CONFORMING CHANGES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives by special message.

H.B. 116 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PRESENT-USE VALUE ELIGIBILITY, TO AMEND THE PERIOD FOR APPEAL OF A PRESENT-USE VALUE DETERMINATION OR APPRAISAL, TO MODIFY THE TAX YEAR FOR MOTOR VEHICLES THAT ARE TO BE SWITCHED FROM AN ANNUAL SYSTEM OF REGISTRATION TO A STAGGERED SYSTEM EFFECTIVE JANUARY 1, 2006, AND TO APPLY THE SAME PENALTY THAT CURRENTLY APPLIES TO PAYMENTS BY CHECK TO PROPERTY TAX PAYMENTS MADE BY ELECTRONIC PAYMENTS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

H.B. 237 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY ALLOWING REGISTRATION OF LIMITED LOAN OFFICERS OF DEFINED AFFILIATED MORTGAGE BANKERS AND TO ESTABLISH ADDITIONAL SUPERVISION AND ENFORCEMENT AUTHORITY FOR THE COMMISSIONER OF BANKS, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

H.B. 254 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TREASURER TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION, TO REQUIRE "GARVEE" FUNDS TO BE DISTRIBUTED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO CLARIFY THE DEFINITION OF GOVERNMENTAL UNIT FOR PURPOSES OF INTEREST RATE SWAP AGREEMENTS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 1349 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE ITS LICENSURE AND REGISTRATION FEES AND ESTABLISH CERTAIN NEW FEES AND MAKING CERTAIN CHANGES TO THE CONDITIONS OF LICENSE RENEWAL UNDER THE PHARMACY PRACTICE ACT, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake,

Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, August 15, upon third reading.

S.B. 837, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RETIRED EMPLOYEES HAVE AT LEAST TEN YEARS OF RETIREMENT BENEFIT SERVICE CREDIT IN ORDER TO QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Upon motion of Senator Nesbitt, the President orders, without objection, the bill temporarily displaced.

H.B. 128 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES; TO CLARIFY HOW A VOTER SHALL REPORT A MOVE; TO CLARIFY THE RESIDENCE FOR VOTING PURPOSES OF CERTAIN PERSONS; TO AMEND THE STATUTES RELATING TO CHALLENGES; TO PROVIDE THAT EXCEPT FOR THEIR ENVELOPE, PROVISIONAL BALLOTS SHALL NOT BE MARKED TO BE IDENTIFIABLE TO A VOTER; AND TO MAKE CHANGES TO THE PUBLIC CAMPAIGN FUND.

Upon motion of Senator Clodfelter, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 1115 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO CHANGE THE DEADLINE FOR FILING A PROTEST FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING PLACES ON ELECTION DAY; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE

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OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW FOR THE CANCELLATION OF A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR AND CHANGE OTHER RELATED DATES; TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS; TO CLARIFY HOW WINNERS OF ELECTIONS SHALL BE DETERMINED; TO CLARIFY THAT A VOTER WHOSE NAME HAS BEEN REMOVED FROM THE REGISTRATION LIST MAY VOTE UPON AFFIRMING THAT THE VOTER HAS NOT MOVED FROM THE COUNTY; TO PROVIDE FOR THE CORRECTION OF AN OMISSION ON THE VOTER REGISTRATION FORM; TO AUTHORIZE PARTICIPATION IN THE 2010 CENSUS REDISTRICTING DATA PROGRAM; AND TO AUTHORIZE BOARDS OF ELECTIONS TO ALLOW KNOWN VOTERS WHOSE VOTES WERE LOST TO RECAST THEIR BALLOTS DURING A TWO-WEEK PERIOD AFTER THE ELECTION.

Senator Clodfelter offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill passes its second reading (46-2).

Upon motion of Senator Rand, the Senate Committee Substitute bill is temporarily displaced.

H.B. 1128 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT; AND TO CLARIFY THE DEFINITION OF "CORPORATION".

Upon motion of Senator Clodfelter, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

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H.B. 1136 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES.

Without objection, Senator Clodfelter requests to be excused from voting on the Senate Committee Substitute bill No. 2 due to a conflict of interest.

Senator Hoyle offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 837, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RETIRED EMPLOYEES HAVE AT LEAST TEN YEARS OF RETIREMENT BENEFIT SERVICE CREDIT IN ORDER TO QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, temporarily displaced earlier today.

The bill passes its second reading (48-0) and third reading (48-0) and is ordered sent to the House of Representatives by special message.

H.B. 1409 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND, AND WHETHER IT WILL REASONABLY ASSURE THE DEFENDANT'S APPEARANCE.

Without objection, Senator Apodaca 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 (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.

The Senate recesses at 11:15 A.M. to reconvene at 12:00 Noon.

RECESS

The Senate meets pursuant to recess and is called to order by Honorable Beverly E. Perdue, Lieutenant Governor.

The President of the Senate rules that the motion offered by Senator Rand which prevailed without objection on August 12 and stated that bills reported from committees and received from the House of Representatives would be placed on the calendar and be eligible for full-range of votes was for yesterday only and objection to third reading on any bills on today's calendar will be allowed.

CALENDAR *(continued)*

H.B. 128 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE

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STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES; TO CLARIFY HOW A VOTER SHALL REPORT A MOVE; TO CLARIFY THE RESIDENCE FOR VOTING PURPOSES OF CERTAIN PERSONS; TO AMEND THE STATUTES RELATING TO CHALLENGES; TO PROVIDE THAT EXCEPT FOR THEIR ENVELOPE, PROVISIONAL BALLOTS SHALL NOT BE MARKED TO BE IDENTIFIABLE TO A VOTER; AND TO MAKE CHANGES TO THE PUBLIC CAMPAIGN FUND, temporarily displaced earlier.

Senator Clodfelter offers Amendment No. 1 which is adopted (47-0), and changes the title upon concurrence to read **H.B. 128** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES; TO CLARIFY HOW A VOTER SHALL REPORT A MOVE; TO CLARIFY THE RESIDENCE FOR VOTING PURPOSES OF CERTAIN PERSONS; TO AMEND THE STATUTES RELATING TO CHALLENGES; TO SPECIFY HOW FINANCIAL INSTITUTIONS MAY MAKE LOANS WITHOUT VIOLATING THE PROHIBITION ON CORPORATE CONTRIBUTIONS; TO MAKE CHANGES TO THE APPROPRIATIONS ACT AS IT RELATES TO ELECTIONS APPOINTMENTS; TO PROVIDE THAT EXCEPT FOR THEIR ENVELOPE, PROVISIONAL BALLOTS SHALL NOT BE MARKED TO BE IDENTIFIABLE TO A VOTER; AND TO MAKE CHANGES TO THE PUBLIC CAMPAIGN FUND.

The Senate Committee Substitute bill, as amended, passes its second (35-13) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 1115 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO CHANGE THE DEADLINE FOR FILING A PROTEST FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING PLACES ON ELECTION DAY; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW FOR THE CANCELLATION OF A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-

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NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR AND CHANGE OTHER RELATED DATES; TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS; TO CLARIFY HOW WINNERS OF ELECTIONS SHALL BE DETERMINED; TO CLARIFY THAT A VOTER WHOSE NAME HAS BEEN REMOVED FROM THE REGISTRATION LIST MAY VOTE UPON AFFIRMING THAT THE VOTER HAS NOT MOVED FROM THE COUNTY; TO PROVIDE FOR THE CORRECTION OF AN OMISSION ON THE VOTER REGISTRATION FORM; TO AUTHORIZE PARTICIPATION IN THE 2010 CENSUS REDISTRICTING DATA PROGRAM; AND TO AUTHORIZE BOARDS OF ELECTIONS TO ALLOW KNOWN VOTERS WHOSE VOTES WERE LOST TO RECAST THEIR BALLOTS DURING A TWO-WEEK PERIOD AFTER THE ELECTION, temporarily displaced earlier today.

The Senate Committee Substitute bill, as amended on second reading, passes its third reading (46-2) and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 1128 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT; AND TO CLARIFY THE DEFINITION OF "CORPORATION", temporarily displaced earlier today.

The Senate Committee Substitute bill passes its second (46-2) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.J.R. 1615 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN D. HALL, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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Upon motion of Senator Holloman, the joint resolution committee substitute is read in its entirety and, upon motion of Senator Holloman, the remarks of the Senators are spread upon the Journal, as follows:

Senator Holloman:

“Thank you, Madame President. I had the opportunity to work with Representative John Hall for approximately seventeen years. We served on the CADA Board together representing four counties and that is where I first met John. After leaving there, we served together as County Commissioners and we worked very closely together. Representative John Hall was a person of great conviction. He was a person that could argue with you all night, be against your decision and your opinion, but the next day he was still your friend. John made a difference in Halifax County in Northeastern North Carolina as being a man who was self-made and he proved to others that you could do it if you really put your mind to it and work hard. John worked hard to become the first black radio station owner in Halifax County and the surrounding areas and his radio station was very popular with all the people and this is one of the reasons that he got elected because he had a broad band of listeners. Most of them were Christian ladies in the morning and John in his very deep voice on the radio was very appealing to the people, very convincing. We said to you that John Hall was a person, also, that was concerned about what happened here in Raleigh with the General Assembly. He really loved being in the General Assembly, he loved working in the House, he loved intermingling with those of us in the Senate and today we have lost a great soldier and I just believe today that John is still trying to get some rules changed, trying to make a difference wherever he is and we believe he is in the great beyond. We commend this resolution to you. God Bless.”

Senator Swindell:

“Well, I’m going to take a different spin on this resolution of my friend, John Hall. John and I first met in the spring of 1982 when he was selling caskets and he traveled all over Eastern North Carolina and John called on the predominately, at that time, the white funeral directors. At first folks had said to John, ‘Well John, they are not going to buy your caskets.’ Well not only did they not buy his caskets, they stopped doing business with a lot of the other folks that supplied them with caskets. Then when I went with Tim Valentine in the Congressional Office, John would come to Washington. He would come to Washington with two or three folks and he would say, ‘Show me what’s going on.’ And I would take him into the Committee Rooms, we would go around back where all the Committee Members would sit and John would sit there sometimes for forty-five or fifty minutes at a time and he would say, ‘A. B., I like this.’ So finally, we stopped inviting John up because we were afraid he would run for Congress against Tim. I called up John one time and he answered the phone when he was running for the State House. He was on the air and as I listened to the radio as you hear the radio going, he picked up the phone and he said, ‘Hold on a minute. This is John Hall. John Hall Gospel live, John Hall. John Hall, anytime today you have a request, call John Hall. This is John Hall,

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your favorite Gospel radio show. Thank you for listening to John Hall.’ So as he came back to the phone, I said, ‘John’, as brother Holloman knows, I said, ‘John, no wonder you don’t have any trouble getting re-elected.’ So he had his own audience and I must tell you two other quick things, but I don’t think this justifies any meter award for this because I must tell it because if he were here he would want me to. One night we were at a dinner in Spring Hope and we were sitting up at the head table and it was about ten-thirty at night. The meeting had run long and it was about thirty minutes from time that I thought it should have been called and I was ready to finish whether they were or not, but they had a little contest. A woman that couldn’t be there sent a hundred dollar bill and said that this hundred dollar bill was going to be for the oldest grandmamma present. So they started with every grandmother standing up and they recognized all of them and they went through the ages and the years and they got down to about eighty years old. They said okay you can sit down. Is there anybody over the age of 85? This one lady said that I am a grandmother, a great-grandmother, and I am 87. They said you come on down front and we will give you this hundred dollar bill. As the lady started down front, a woman jumped up in the back and said, ‘I’m 87 and I’m a grandmother.’ John Hall turned to me and said, ‘A.B. you got fifty dollars?’ And I said, ‘John, let me see, I don’t know.’ John stood all of a sudden and he said, ‘Well me and Senator Swindell, we are going to do the right thing and we are going to give this other women a hundred dollars.’ So as I started to leave I looked at my gas needle, I was in Spring Hope, which isn’t but ten miles from home. My gas was beyond empty, I had one dollar in my pocket and I stopped by a convenience store and I got one dollars’ worth of gas. I must say to you that John Hall visited my home frequently as Reverend Holloman knows that and one night Diane met us at the car as we pulled up in the driveway after Monday night session and Diane came out wearing a pair of pink shoes, green sweatpants, a blue sweatshirt, and a red bandanna around her head. John Hall looked at her and said, ‘I swear Miss Diane you are ready for Jerry Springer.’ But I must say this in closing. John Hall, I love you. You were a great inspiration to many of us. You knew him, those in this building. He always had a kind word for everybody. To his family and friends, we loved John Hall and I thank you, Senator Holloman, and those for bringing this Resolution forward. Thank You.”

Senator Dorsett:

“John Hall was one of the Commissioners in our respected counties. One of the things that I remember is that if you were standing many feet away you always knew of John’s presence both by his voice and his laugh. But he was certainly one to keep everybody happy during all of the county commissioner meetings and was very effective. But another part of him that I knew was when we had the terrible hurricanes and floods down in the Eastern part of the State and I remember Governor Hunt had all of us going down with our work clothes on. I never went to Halifax County when John was not there working and helping the people so that proved to me that he certainly was one of the servants who worked with the people on a daily basis, not just here in Raleigh because by

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that time he was here, but back home as well. He was well respected, I never heard his radio station, but I certainly heard him talk about it. But John Hall was one who was a tremendous asset not only to Halifax County, but to the people of this State and I commend the resolution to you. Thank you”

Senator Albertson:

“Thank you, Madame President and members of the Senate. John was the kind of a person that once you got to know him you couldn’t help but like him. The connection that I had with John was through the music. I found out that he had a radio station so that kind of brought us together, I guess. I was talking to him about the radio station, telling him about a little record I had, a Gospel record. He said, ‘If you bring me a copy of that album I’ll make sure it gets played.’ So I got him one, I guess he did. But he was just a wonderful person. You couldn’t help but love John. Every time you saw him he had a smile on his face, like you were the most important person in the world and I will always remember him that way.”

The joint resolution passes its second reading (48-0) and third reading with members standing, and is ordered enrolled.

S.B. 223 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 393 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF

REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES, for concurrence in the House Committee Substitute.

Upon motion of Senator Hoyle the Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Hoyle offers a motion that the Senate appoint conferees, which motion prevails.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 393 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 393 earlier today 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 Forrester; Senator Jenkins; and Senator Thomas as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Cowell, the Senate adjourns at 1:27 P.M. to meet Tuesday, August 16, at 9:00 A.M.

ONE HUNDRED SEVENTEEN DAY

Senate Chamber
Tuesday, August 16, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Janet Pruitt, Senate Principal Clerk, who relinquishes the gavel to The Honorable William Purcell who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, though there is unfinished business in this Legislative Session, we pray that the time away will be helpful to the Senators. How grateful we are, O God, that we are your unfinished business. No attention to detail in our lives is ever overlooked. We are grateful for the assurance of that promise as we begin this new day. Amen."

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The Chair grants a leave of absence for today to Senator Jacumin.

Senator Malone announces that the Journal of Saturday, August 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Upon motion of Senator Hunt, seconded by Senator Snow, the Senate adjourns subject to ratification of bills, to meet Friday, August 19, at 9:00 A.M.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 223, AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP.

S.B. 428, AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT.

S.B. 682, AN ACT TO EXTEND TO PUBLIC HEALTH AUTHORITIES, SANITARY DISTRICTS, AND METROPOLITAN SEWERAGE DISTRICTS THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES.

S.B. 740, AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING CARDIAC CATHETERIZATION SERVICES, EXCEPT WHEN DOING SO PURSUANT TO A SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF

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HEALTH AND HUMAN SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES.

S.B. 856, AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO TRIAL PREPARATION MATERIAL.

S.B. 974, AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, AND AUTHORIZE ALCOHOLIC BEVERAGES TO BE MADE AVAILABLE BY SELF-SERVICE IN SUITES OF MAJOR LEAGUE SPORTS FACILITIES.

S.B. 1124, AN ACT TO IMPOSE A PENALTY FOR BREACHING THE CONFIDENTIALITY OF SCHOOL EMPLOYEE PERSONNEL FILES.

H.B. 35, AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

H.B. 62, AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL.

H.B. 116, AN ACT TO CLARIFY PRESENT-USE VALUE ELIGIBILITY, TO AMEND THE PERIOD FOR APPEAL OF A PRESENT-USE VALUE DETERMINATION OR APPRAISAL, TO MODIFY THE TAX YEAR FOR

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MOTOR VEHICLES THAT ARE TO BE SWITCHED FROM AN ANNUAL SYSTEM OF REGISTRATION TO A STAGGERED SYSTEM EFFECTIVE JANUARY 1, 2006, AND TO APPLY THE SAME PENALTY THAT CURRENTLY APPLIES TO PAYMENTS BY CHECK TO PROPERTY TAX PAYMENTS MADE BY ELECTRONIC PAYMENTS.

H.B. 182, 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.

H.B. 237, AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY ALLOWING REGISTRATION OF LIMITED LOAN OFFICERS OF DEFINED AFFILIATED MORTGAGE BANKERS AND TO ESTABLISH ADDITIONAL SUPERVISION AND ENFORCEMENT AUTHORITY FOR THE COMMISSIONER OF BANKS.

H.B. 485, AN ACT TO AUTHORIZE AN EXISTING CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

H.B. 490, AN ACT TO AMEND THE LAW WITH REGARD TO MAKING A FALSE REPORT CONCERNING A DESTRUCTIVE DEVICE.

H.B. 779, AN ACT TO INCREASE THE PENALTY FOR AIDING AND ABETTING A STUDENT'S UNLAWFUL ABSENCE FROM SCHOOL.

H.B. 801, AN ACT TO ESTABLISH A PROCEDURE TO RESOLVE THE ISSUE OF CONFLICTING CHILD CUSTODY ORDERS; TO CLARIFY THE EFFECT OF TERMINATING JURISDICTION IN CERTAIN JUVENILE CASES; TO GIVE THE COURT AUTHORITY TO CONVERT A JUVENILE COURT CUSTODY ORDER INTO A PERMANENT CUSTODY ORDER UNDER CHAPTER 50 OF THE GENERAL STATUTES; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW.

H.B. 813, AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON STATE HIGHWAYS.

H.B. 1030, AN ACT TO CLARIFY THE POWERS OF THE BRUNSWICK AIRPORT COMMISSION AND TO AUTHORIZE LOCAL AIRPORT AUTHORITIES TO BORROW MONEY.

H.B. 1145, AN ACT TO PROVIDE THAT PROBATION IS STAYED DURING AN APPEAL FOR A TRIAL DE NOVO FROM A JUDGMENT ENTERED BY A MAGISTRATE OR DISTRICT COURT JUDGE.

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H.B. 1202, AN ACT TO CLARIFY ALTERNATIVE REPRESENTATION OF METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES.

H.B. 1217, AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES.

H.B. 1266, AN ACT TO INCREASE THE AMOUNT THE DEPARTMENT OF TRANSPORTATION WILL PAY AS RELOCATION ASSISTANCE FOR REASONABLE EXPENSES FOR SEARCHING FOR A REPLACEMENT BUSINESS OR FARM, AS REQUIRED BY FEDERAL REGULATION.

H.B. 1271, AN ACT TO AMEND CERTAIN LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS.

H.B. 1279, AN ACT TO AMEND THE SPEEDING TO ELUDE ARREST STATUTES TO CLARIFY THE PROXIMATE CAUSE REQUIREMENT WHEN THE OFFENSE RESULTS IN DEATH.

H.B. 1311, AN ACT ALLOWING DOMESTIC VIOLENCE VICTIMS TO APPLY FOR A TEMPORARY CONCEALED HANDGUN PERMIT UPON SHOWING PROOF OF A PROTECTIVE ORDER ISSUED UNDER CHAPTER 50B OF THE GENERAL STATUTES AS EVIDENCE OF AN EMERGENCY SITUATION IN ORDER TO EMPOWER DOMESTIC VIOLENCE VICTIMS TO PROTECT THEMSELVES AND THEIR FAMILIES.

H.B. 1328, AN ACT TO PROVIDE FOR THE EXPUNCTION OF OFFICIAL RECORDS WHEN A PERSON IS GRANTED A PARDON OF INNOCENCE.

H.B. 1389, AN ACT TO AMEND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS.

H.B. 1390, AN ACT TO MAKE THE LAW GOVERNING THE COMMERCIAL TRANSPORTATION OF ALCOHOLIC BEVERAGES CONSISTENT WITH THE LAW GOVERNING THE AMOUNTS OF ALCOHOLIC BEVERAGES THAT MAY BE PURCHASED WITHOUT A PERMIT.

H.B. 1394, AN ACT TO ALLOW THE PARENTS OF AN INCOMPETENT ADULT WHO IS NOT MARRIED TO RECOMMEND A GUARDIAN FOR THAT ADULT BY WILL OR OTHER DOCUMENT.

H.B. 1401, AN ACT TO AMEND THE CIRCUMSTANCES UNDER WHICH FEDERAL LAW ENFORCEMENT OFFICERS AND SWORN LAW ENFORCEMENT OFFICERS MAY CARRY CONCEALED WEAPONS.

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H.B. 1411, AN ACT TO UPDATE THE CAP FOR THE AMOUNT FINANCED THAT FALLS WITHIN THE MEANING OF A CONSUMER CREDIT SALE IN ORDER TO REFLECT THE INCREASE IN THE COST OF CONSUMER GOODS AND SERVICES DUE TO INFLATION.

H.B. 1416, AN ACT TO MAKE TOWNS OR CITIES WHERE A RAILROAD PASSENGER TERMINUS EXISTS ELIGIBLE TO HOLD MALT BEVERAGE PERMIT ELECTIONS.

H.B. 1485, AN ACT TO PROVIDE THAT SEARCH WARRANTS MAY BE OBTAINED BY AUDIO/VIDEO TRANSMISSIONS.

H.B. 1775, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The Enrolling Clerk reports the following bills and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 464, AN ACT TO PERMIT THE CITY OF WINSTON-SALEM TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY OF WINSTON-SALEM.

H.B. 612, AN ACT TO AUTHORIZE THE TOWN OF TROUTMAN TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES.

H.J.R. 1615, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN D. HALL, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 50)

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. 1059, AN ACT AUTHORIZING THE LICENSURE OF PERFUSIONISTS. (Became law upon approval of the Governor, August 12, 2005 - S.L. 2005-267.)

S.B. 324, AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT AND TO MAKE CONFORMING CHANGES TO THE OTHER ENTITY ACTS. (Became law upon approval of the Governor, August 12, 2005 - S.L. 2005-268.)

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S.B. 519, AN ACT TO PROVIDE FOR INTERSTATE SERVICES ON A RECIPROCAL BASIS AND TO MAKE TECHNICAL CORRECTIONS TO ARTICLE 24 AND ARTICLE 13 OF CHAPTER 53 OF THE GENERAL STATUTES. (Became law upon approval of the Governor, August 12, 2005 - S.L. 2005-269.)

S.B. 907, AN ACT REQUIRING THE SECRETARY OF ADMINISTRATION TO ADOPT RULES AND PROCEDURES TO CERTIFY HISTORICALLY UNDERUTILIZED BUSINESSES AND TO MAINTAIN A DATABASE OF THE BUSINESSES CERTIFIED. (Became law upon approval of the Governor, August 12, 2005 - S.L. 2005-270.)

S.B. 408, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE AND THE NUMBER OF SUSPENDED STUDENTS. (Became law upon approval of the Governor, August 12, 2005 - S.L. 2005-271.)

H.B. 1466, AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE. (Became law upon approval of the Governor, August 12, 2005 - S.L. 2005-272.)

H.B. 1297, AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR ANY VOLUNTEER WHO SERVES IN A MEDICAL RESERVE CORPS UNIT OR ON A COMMUNITY EMERGENCY RESPONSE TEAM WHILE ENGAGED IN PROVIDING EMERGENCY SERVICES. (Became law upon approval of the Governor, August 12, 2005 - S.L. 2005-273.)

S.B. 517, AN ACT TO PROVIDE FOR ACCOUNT TRANSFERS AND AGENCY APPOINTMENTS BETWEEN AFFILIATED TRUST INSTITUTIONS. (Became law upon approval of the Governor, August 12, 2005 - S.L. 2005-274.)

H.B. 253, AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ADOPT TRANSPORTATION CORRIDOR OFFICIAL MAPS, TO INCREASE THE NUMBER OF PROJECTS THE AUTHORITY MAY UNDERTAKE FROM THREE TO NINE, TO AUTHORIZE USE OF INCENTIVES IN TURNPIKE CONTRACTS, TO REQUIRE THE AUTHORITY TO CONTRACT WITH A SINGLE FIRM TO DESIGN, ACQUIRE PERMITS FOR, AND CONSTRUCT A DESCRIBED BRIDGE, TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, TO REQUIRE AN EIGHTEEN-HOUR HURRICANE EVACUATION STANDARD TO BE USED FOR BRIDGE OR HIGHWAY CONSTRUCTION, AND TO EXPEDITE CONSTRUCTION OF A REPLACEMENT FOR THE HERBERT C. BONNER BRIDGE. (Became law upon approval of the Governor, August 12, 2005 - S.L. 2005-275.)

August 16, 2005

S.B. 622, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES. (Became law upon approval of the Governor, August 13, 2005 - S.L. 2005-276.)

H.B. 392, AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE ALCOHOLIC BEVERAGE CONTROL LAWS. (Became law upon approval of the Governor, August 12, 2005 - S.L. 2005-277.)

Pursuant to Senator Hunt's motion to adjourn having prevailed, the Senate adjourns at 11:29 A.M.

ONE HUNDRED EIGHTEEN DAY

Senate Chamber
Friday, August 19, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Janet Pruitt, Senate Principal Clerk, who relinquishes the gavel to The Honorable Eleanor Kinnaird who presides in the absence of the Lieutenant Governor.

Prayer is offered by Mr. E. Wayne White, Raleigh, North Carolina as follows:

"Almighty God our heavenly Father, send down upon those who hold office in this great State of North Carolina the spirit of wisdom, charity, and justice; that with steadfast purpose they may faithfully serve in their offices to promote the well-being of all people; through Jesus Christ our Lord. Amen."

From the *"Episcopal Book of Common Prayer"*.

Senator Malone announces that the Journal of Tuesday, August 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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. 464, AN ACT TO PERMIT THE CITY OF WINSTON-SALEM TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY OF WINSTON-SALEM. (Became law upon ratification, August 17, 2005 - S.L. 2005-278.)

August 19, 2005

H.B. 612, AN ACT TO AUTHORIZE THE TOWN OF TROUTMAN TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES. (Became law upon ratification, August 17, 2005 - S.L. 2005-279.)

Upon motion of Senator Stevens, seconded by Senator Hunt, the Senate adjourns at 9:04 A.M. to meet Monday, August 22, at 7:30 P.M.

ONE HUNDRED NINETEEN DAY

Senate Chamber
Monday, August 22, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, in Holy Scripture's 'Book of Acts,' just before Jesus was taken up to Heaven, His disciples asked, 'Is this the time when you will restore the Kingdom of Israel?' Jesus replied, 'It's not for you to know the times that the Father has set.' 'No one knows the time,' is an appropriate way to begin this week's session in the Senate. Our members and their colleagues across the way, they have differing interpretations, as did Jesus' followers. Thy will be done, O God. Your timing is always perfect. Amen."

Senator Clodfelter announces that the Journal of Friday, August 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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. 669, AN ACT TO REPEAL LEGISLATION THAT MADE STATE LAND SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND PERMITTED THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS ON STATE LAND WITHOUT THE APPROVAL OF THE COUNCIL OF STATE. (Became law upon approval of the Governor, August 18, 2005 - S.L. 2005-280.)

August 22, 2005

S.B. 32, AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING AND TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND MAY ELECT TO TERMINATE MEMBERSHIP IN THE FUND AT ANYTIME, BUT THAT DELINQUENT PAYMENTS ALONE DO NOT TERMINATE MEMBERSHIP. (Became law upon approval of the Governor, August 18, 2005 - S.L. 2005-281.)

S.B. 189, AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS. (Became law upon approval of the Governor, August 18, 2005 - S.L. 2005-282.)

S.B. 687, AN ACT TO AMEND THE LAW GOVERNING THE VOLUNTEER RESCUE/EMS FUND. (Became law upon approval of the Governor, August 18, 2005 - S.L. 2005-283.)

S.B. 644, AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER CERTAIN CLASSIFICATION AND COMPENSATION RELATED PROVISIONS OF THE STATE PERSONNEL ACT. (Became law upon approval of the Governor, August 18, 2005 - S.L. 2005-284.)

WITHDRAWAL FROM COMMITTEE

H.B. 643 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF ANY DEVICE DESIGNED TO PREVENT THE DETECTION OF A DRIVING VIOLATION, referred to the **Judiciary I Committee** on May 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Transportation Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Transportation Committee**.

August 22, 2005

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 612 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYISTS FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 3 for S.B. 612 on August 12 and the motion by Senator Rand to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Rand, Chair, Senator Malone and Senator Apodaca as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 22, 2005

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. 217** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES.

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

August 22, 2005

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 22, 2005

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. 576**, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS, and requests conferees.

Speaker Black has appointed:

Representative Tolson, Chair
Representative England, and
Representative Sauls

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 22, 2005

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. 1500** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND PROVIDE FOR THE ISSUANCE OF WINE SHOP PERMITS, TO AMEND LAWS CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, WINE DISTRIBUTION AGREEMENTS AND BEER

August 22, 2005

FRANCHISE AGREEMENTS, AND TO PROVIDE FOR THE BIOMETRIC IDENTIFICATION OF PURCHASERS OF ALCOHOL AND TOBACCO PRODUCTS.

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

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 705 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, August 23.

H.J.R. 1795, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Referred to the **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Garwood for the **Education/Higher Education Committee**:

S.J.R. 1181, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF HOWARD N. LEE, MELISSA BARTLETT, AND SHIRLEY EAST HARRIS TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION, with a favorable report.

August 22, 2005

By Senator Garwood for the **Education/Higher Education Committee:**



**SENATE EDUCATION/HIGHER EDUCATION COMMITTEE
2005-2006**

Senator Jeanne Lucas, Co-Chair
Room 311, LOB
Raleigh, NC
(919) 733-4599

Senator A. B. Swindell IV, Co-Chair
Room 629, LOB
Raleigh, NC 27601-2808
(919) 715-3030

Senator John Garwood, Co-Chair
Room 1118, LB
Raleigh, NC 27601-2808
(919) 733-5742

August 22, 2005

MEMORANDUM

TO: Members of the Senate

FROM: Senator Jeanne H. Lucas, Co-Chair
Senator A. B. Swindell, IV, Co-Chair
Senator John Garwood, Co-Chair

RE: The State Board of Community Colleges Election

The Senate Committee on Education/Higher Education Committee nominates the following individuals for election by the Senate for membership to a six-year term, beginning July 1, 2005, on the State Board of Community Colleges:

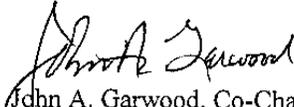
John Q. Shaw, Jr.
Nancy Margulies Brenner

No additional nominees shall be received from the floor.

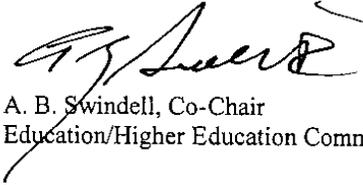
A handwritten signature in cursive script that reads "Jeanne H. Lucas".

Jeanne H. Lucas, Co-Chair
Education/Higher Education Committee

August 22, 2005



John A. Garwood, Co-Chair
Education/Higher Education Committee



A. B. Swindell, Co-Chair
Education/Higher Education Committee

Upon motion of Senator Nesbitt, seconded by Senator Snow, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills, to meet tomorrow, August 23, at 10:00 A.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 22, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 3 for **S.B. 612**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYISTS FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY, and requests conferees, Speaker Black appoints:

Representative Hackney, Chair
Representative Martin,
Representative Ross,

August 22, 2005

Representative Rapp,
Representative Stam, and
Representative Folwell

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 22, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 393**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES, and requests conferees, Speaker Morgan appoints:

Representative Weiss, Chair
Representative Luebke
Representative McComas, and
Representative Harrison

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

August 22, 2005

S.B. 681 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, August 23, for concurrence.

S.B. 796 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CRIMINAL RECORD CHECKS OF APPLICANTS FOR PERMITS AND LICENSES TO CONDUCT ARCHAEOLOGICAL OPERATIONS AND INVESTIGATIONS, for concurrence in House Amendment No. 1.

The Committee Substitute No. 2, as amended, is placed on the Calendar for tomorrow, August 23, for concurrence in House Amendment No. 1.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 22, 2005

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. 1128** A BILL TO BE ENTITLED AN ACT TO REQUIRE TRAINING FOR CAMPAIGN TREASURERS; TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO SET A THREE-YEAR TIME LIMIT BEFORE ANY UNPAID DEBT IN A CAMPAIGN IS DEEMED TO BE A CONTRIBUTION; TO INCLUDE VACANCY ELECTIONS AND NONPARTISAN RUNOFFS IN THE DEFINITION OF "ELECTION" FOR PURPOSES OF CONTRIBUTION LIMITS; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO LIMIT THE USE OF CREDIT CARDS FOR PAYMENT OF EXPENDITURES IN PUBLICLY FUNDED JUDICIAL CAMPAIGNS; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; AND TO EXPRESSLY REQUIRE

August 22, 2005

THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT, and requests conferees.

Speaker Morgan has appointed:

Representative Ross, Chair
Representative Moore, and
Representative Holliman

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 22, 2005

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. 671 A BILL TO BE ENTITLED AN ACT TO CLARIFY REGULATION OF PLANTS**, and requests conferees.

Speaker Morgan has appointed:

Representative Hill, Chair
Representative Tolson, and
Representative Williams

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

August 22, 2005

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.J.R. 1180 (House Committee Substitute), A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, August 23, for concurrence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 22, 2005

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. 1493** A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY, and requests conferees.

Speaker Black has appointed:

Representative Cole, Chair
Representative Nye, and
Representative England

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

Pursuant to Senator Nesbitt's motion to adjourn having prevailed, the Senate adjourns at 11:59 P.M.

August 22, 2005

ONE HUNDRED TWENTIETH DAY

Senate Chamber
Tuesday, August 23, 2005

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:

"Some days, O God, we do choose the wrong battle and the wrong opponent. That truth is illustrated by the story of a grandfather and grandson's conversation while taking a walk together on an old country road. The boy turns to the old man and asks, 'Do you still wrestle with the devil?' The old man looked at his grandson and said, 'No, my son, I guess I'm too old and too wise for that. Now I just wrestle with God.' 'With God?' the boy questioned. 'Do you hope to win?' 'Oh no, my son,' said the grandfather. Limping off into the morning brightness, he smiled and said, 'I hope to lose.' So if we have to lose a battle, let it be with God. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, August 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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. 1012, AN ACT TO ALLOW MEMBERS OF STATE-RECOGNIZED INDIAN TRIBES TO HUNT, TRAP, OR FISH ON TRIBAL LANDS WITHOUT OBTAINING A LICENSE ISSUED BY THE WILDLIFE RESOURCES COMMISSION. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-285.)

H.B. 1469, AN ACT GRANTING PUBLIC UTILITIES AND CABLE TELEVISION SYSTEMS IMMEDIATE ACCESS TO CERTAIN PUBLIC RIGHTS-OF-WAY. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-286.)

H.B. 1016, AN ACT TO AMEND THE LAW REGARDING THE DISPOSITION OF A FIREARM TO PROVIDE THAT UPON ORDER OF THE APPROPRIATE COURT, A LAW ENFORCEMENT AGENCY MAY USE THE FIREARM FOR OFFICIAL USE OR MAY TRADE, EXCHANGE, OR SELL THE FIREARM TO A FEDERALLY LICENSED FIREARMS DEALER AND MAY USE THE PROCEEDS FROM THE SALE OF UNCLAIMED FIREARMS FOR LAW ENFORCEMENT PURPOSES. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-287.)

August 23, 2005

H.B. 926, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONCEAL THE DEATH OF A PERSON. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-288.)

H.B. 736, AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES, BY REPEALING THE SUNSET ON PROVISIONS RELATING TO TRAVEL DISTANCE BETWEEN PUBLIC USE TOILETS IN MALLS, AND BY CLARIFYING THAT CERTAIN ELECTRIC GENERATING FACILITIES ARE NOT PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-289.)

H.B. 819, AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-290.)

H.B. 1243, AN ACT REQUIRING A LONGER NOTICE PERIOD FOR A TERMINATION OF A TENANCY FOR THE RENTAL SPACE FOR RESIDENTIAL MANUFACTURED HOMES. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-291.)

H.B. 1240, AN ACT TO AMEND THE VACATION RENTAL HOME ACT CONCERNING VACATION RENTAL AGREEMENTS. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-292.)

H.B. 705, AN ACT TO ALLOW BUYOUT PAYMENTS TO COUNT TOWARDS THE ONE THOUSAND DOLLAR GROSS INCOME REQUIREMENT FOR AGRICULTURAL LAND FOR PRESENT-USE VALUE TAX EXEMPTIONS. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-293.)

H.B. 1779, AN ACT TO CREATE A COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-294.)

H.B. 1436, AN ACT TO DIRECT THE SENTENCING COMMISSION TO STUDY AND MAKE RECOMMENDATIONS REGARDING EVIDENCE THAT A MURDER WAS COMMITTED IN VIOLATION OF A VALID DOMESTIC VIOLENCE PROTECTIVE ORDER AS AN AGGRAVATING FACTOR IN CAPITAL SENTENCING. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-295.)

H.B. 810, AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-296.)

August 23, 2005

H.B. 803, AN ACT TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO CHARGE AND COLLECT A LATE FILING FEE FOR LICENSEES THAT APPLY FOR RENEWAL OF THE LICENSE AFTER THE LICENSE HAS EXPIRED AND TO ELIMINATE SUPPLEMENTAL LICENSING BY THE MANUFACTURED HOUSING BOARD. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-297.)

H.B. 1395, AN ACT TO AMEND THE LAW PROHIBITING THE BAITING OF BLACK BEAR. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-298.)

H.B. 1507, AN ACT TO AMEND CERTAIN LAWS UNDER THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSURE ACT, TO EXPAND THE GROUP OF PERSONS WHO MAY OBTAIN A PROVISIONAL LICENSE UNDER THE ACT, AND TO AUTHORIZE THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD TO ASSESS CIVIL PENALTIES. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-299.)

H.B. 1464, AN ACT TO MAKE PERMANENT THE LAW PROVIDING FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR CERTAIN PROJECTS OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE REPORTS ON ACTIONS TAKEN UNDER THAT LAW. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-300.)

H.B. 687, AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-301.)

H.B. 1414, AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-302.)

H.B. 988, AN ACT TO EXCLUDE HIGHWAY USE TAXES AS A FACTOR IN DETERMINING THE TRUE VALUE IN MONEY OF MOTOR VEHICLES FOR PROPERTY TAX PURPOSES. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-303.)

H.B. 1299, AN ACT TO CLARIFY WHAT THE COST OF REPAIR WORK CONSISTS OF WHEN DETERMINING WHETHER THE COST OF REPAIR WORK IS SUFFICIENT TO REQUIRE A MOTOR VEHICLE REPAIR SHOP TO PREPARE A WRITTEN REPAIR ESTIMATE. (Became law upon approval of the Governor, August 22, 2005 - S.L. 2005-304.)

Senator Rand offers a motion that all bills ordered sent to the Governor today and through the adjournment of the 2005 Regular Session be sent to the Governor

August 23, 2005

by special message and he further moves that the rules be suspended and that bills reported from committees be placed on the Calendar, which motions prevail without objection.

WITHDRAWAL FROM COMMITTEE

H.J.R. 1795, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, referred to the **Rules and Operations of the Senate Committee** on August 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

H.B. 1349 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE ITS LICENSURE AND REGISTRATION FEES AND ESTABLISH CERTAIN NEW FEES AND MAKING CERTAIN CHANGES TO THE CONDITIONS OF LICENSE RENEWAL UNDER THE PHARMACY PRACTICE ACT.

Upon motion of Senator Purcell, the President orders, without objection, the Committee Substitute bill temporarily displaced.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 327 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60545, which changes the title upon concurrence to read **H.B. 327** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, is adopted and engrossed.

August 23, 2005

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

CALENDAR (*continued*)

S.B. 705 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD, for concurrence in the House Committee Substitute bill No. 2.

The President rules that the House Committee Substitute Bill No. 2 does not require a call of the roll upon concurrence.

Upon motion of Senator Nesbitt, the Senate concurs in the House Committee Substitute bill No. 2 (48-0) and the measure is ordered enrolled and sent to the Governor, by special message.

S.J.R. 1180 (House Committee Substitute), A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION, for concurrence in the House Committee Substitute joint resolution.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute joint resolution (27-20) and the measure is ordered enrolled.

H.J.R. 1795, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, placed earlier on today's Calendar.

The joint resolution passes its second (48-0) and third readings and is ordered enrolled.

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. 1524 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

August 23, 2005

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30377, which changes the title upon concurrence to read **H.B. 1524** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, TO AMEND THE POWERS AND DUTIES OF THE STATE PERSONNEL COMMISSION CONCERNING PILOT PROJECTS, AND TO MAKE VARIOUS OTHER AMENDMENTS TO STATE PERSONNEL LAWS, 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 *(continued)*

S.B. 796 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CRIMINAL RECORD CHECKS OF APPLICANTS FOR PERMITS AND LICENSES TO CONDUCT ARCHAEOLOGICAL OPERATIONS AND INVESTIGATIONS, for concurrence in House Amendment No. 1.

The President rules that House Amendment No. 1 does not require a call of the roll upon concurrence.

Upon motion of Senator Thomas, the Senate concurs in House Amendment No. 1 (48-0) and the measure is ordered enrolled and sent to the Governor, by special message.

S.B. 681 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES, for concurrence in the House Committee Substitute bill.

Without objection, Senator Smith requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (36-9) and the measure is ordered enrolled and sent to the Governor, by special message.

RECALL FROM ENROLLING

H.B. 1635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOMEMAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS, ordered enrolled on August 12.

Having voted with the majority, Senator Rand offers a motion to the end that the Committee Substitute bill be recalled from the Enrolling Office for further consideration, and further moves that the bill be placed before the Senate for immediate consideration, which motions prevail.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails (48-0).

August 23, 2005

The President rules that the Committee Substitute bill requires a call of the roll. (The second reading vote is recorded as a roll-call vote on August 12.)

Upon motion of Senator Rand, the President orders, without objection, the Committee Substitute bill temporarily displaced.

RECALL FROM ENGROSSING

H.B. 768 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA, as amended and ordered engrossed on August 12.

Having voted with the majority, Senator Rand offers a motion to the end that the Senate Committee Substitute bill, as amended, be recalled from the Engrossing Office for further consideration, and further moves that the bill be placed before the Senate for immediate consideration, which motions prevail.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate Committee Substitute bill passed its second reading be reconsidered, which motion prevails.

Upon motion of Senator Rand, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

CALENDAR *(continued)*

H.B. 1524 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, TO AMEND THE POWERS AND DUTIES OF THE STATE PERSONNEL COMMISSION CONCERNING PILOT PROJECTS, AND TO MAKE VARIOUS OTHER AMENDMENTS TO STATE PERSONNEL LAWS, placed earlier on today's Calendar.

Upon motion of Senator Berger of Franklin, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 327 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, placed earlier on today's Calendar.

Upon motion of Senator Clodfelter, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

August 23, 2005

House of Representatives
August 22, 2005

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. 629** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the conference report for S.B. 629 on August 2, the President orders the bill 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
August 22, 2005

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. 1126** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2006, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE WAIVER, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE

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RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION AND THE WILDLIFE RESOURCES COMMISSION TO JOINTLY DISPERSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the conference report for S.B. 1126 on August 12, the President orders the bill 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
August 22, 2005

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. 105, A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS.**

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 22, 2005

Madame President:

August 23, 2005

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. 1076**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL, and requests conferees.

Speaker Black has appointed:

Representative Wright, Chair
Representative Lucas, and
Representative Preston

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 486 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES, 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.

S.B. 757 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill No. 2 is placed on today's Calendar, for concurrence.

S.B. 1048 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005, 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.

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H.B. 50 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA STREET GANG PREVENTION ACT AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STREET GANG PREVENTION.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 1112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL LISTING OF MENTAL HEALTH FACILITIES DESIGNATED TO ASSIST IN THE PLACEMENT OF INDIVIDUALS TO BE INVOLUNTARILY COMMITTED AND REQUIRE AREA AUTHORITIES TO MAINTAIN A CRISIS RESPONSE SERVICE.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on the Calendar for immediate consideration.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor, by special message.

CALENDAR *(continued)*

S.B. 1048 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, 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.B. 486 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill, placed earlier on today's Calendar.

Upon motion of Senator Allran, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor, by special message.

H.B. 768 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA, recalled from Engrossing for further consideration and temporarily displaced earlier today.

Having voted with the majority, Senator Weinstein offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails (48-0).

Senator Weinstein withdraws Amendment No. 1.

Senator Weinstein offers Amendment No. 2 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (48-0)

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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. 757 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Nesbitt, the Senate concurs in the House Committee Substitute bill No. 2 (49-0) and the measure is ordered enrolled and sent to the Governor, by special message.

WITHDRAWAL FROM COMMITTEE

H.B. 1723 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS, referred to the **State & Local Government Committee** on August 11.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **State & Local Government Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **State & Local Government Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1182, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2005 GENERAL ASSEMBLY TO MEET IN 2006 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1493 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY.

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Pursuant to the message from the House of Representatives received yesterday, August 22, that the House fails to concur in the Senate Committee Substitute bill for H.B. 1493 and requests conferees, Senator Purcell offers a motion that the Senate appoint conferees which motion prevails.

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Purcell, Chair; Senator Bingham and Senator Malone 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. 671 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE THAT THE BOARD OF AGRICULTURE SHALL HAVE THE SOLE AUTHORITY TO REGULATE GENETICALLY MODIFIED AND GENETICALLY ENGINEERED PLANTS, (2) TO INCREASE THE MEMBERSHIP OF THE BOARD OF AGRICULTURE BY TWO MEMBERS, AND (3) TO ESTABLISH THE LEGISLATIVE COMMISSION ON GENETICALLY MODIFIED AND GENETICALLY ENGINEERED ORGANISMS TO STUDY ISSUES RELATED TO GENETICALLY MODIFIED AND GENETICALLY ENGINEERED ORGANISMS.

Pursuant to the message from the House of Representatives received yesterday, August 22, that the House fails to concur in the Senate Committee Substitute bill for H.B. 671 and requests conferees, Senator Albertson offers a motion that the Senate appoint conferees which motion prevails.

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Albertson, Chair; Senator Bingham; Senator Cowell and Senator Jenkins as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1128 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; TO EXPRESSLY REQUIRE THAT

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ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT; AND TO CLARIFY THE DEFINITION OF "CORPORATION".

Pursuant to the message from the House of Representatives received yesterday, August 22, that the House fails to concur in the Senate Committee Substitute bill for H.B. 1128 and requests conferees, Senator Clodfelter offers a motion that the Senate appoint conferees which motion prevails.

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair; Senator Hartsell and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 1:17 P.M. to reconvene at 1:45 P.M. subject to ratification of bills and receipt of messages from the House of Representatives.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 327, AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK.

S.B. 737, AN ACT AUTHORIZING CRIMINAL RECORD CHECKS FOR COUNTY GOVERNMENTS.

H.B. 217, AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES.

H.B. 254, AN ACT TO AUTHORIZE THE STATE TREASURER TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION, TO REQUIRE "GARVEE" FUNDS TO BE DISTRIBUTED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO CLARIFY THE DEFINITION OF GOVERNMENTAL UNIT FOR PURPOSES OF INTEREST RATE SWAP AGREEMENTS.

H.B. 561, AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES.

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H.B. 569, AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC VIOLENCE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE.

H.B. 607, AN ACT TO RENAME THE FARMLAND PRESERVATION ENABLING ACT AND FARMLAND PRESERVATION TRUST FUND AS THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION ENABLING ACT AND THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND AND TO AMEND THE ACT TO ESTABLISH A CATEGORY OF ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS THAT OFFERS ADDITIONAL BENEFITS FOR FARMLAND WHEN THE OWNER OF THE FARMLAND IS WILLING TO ENTER INTO AN IRREVOCABLE CONSERVATION AGREEMENT FOR AT LEAST TEN YEARS AND TO CREATE AN AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE.

H.B. 613, AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY.

H.B. 636, AN ACT TO REQUIRE DISCLOSURE OF MARKUPS OF ANATOMIC PATHOLOGY SERVICES BY PHYSICIANS, HOSPITALS, DENTISTS, AND PODIATRISTS.

H.B. 661, AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR SERIOUS NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST.

H.B. 665, AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS.

H.B. 669, AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES.

H.B. 670, AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES IN ORDER TO COMPLY WITH FEDERAL LAW.

H.B. 706, AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE THE HIRING OF TEACHERS.

H.B. 735, AN ACT TO REQUIRE ANNUAL FILING AND ACTUARIAL CERTIFICATION OF RATES FOR INSURERS PROVIDING INDIVIDUAL

ACCIDENT AND HEALTH INSURANCE BENEFITS AND TO BETTER PROTECT CONSUMERS FROM THE HARMFUL IMPACT OF BLOCKS OF BUSINESS BEING CLOSED.

H.B. 747, AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS AND TO REQUIRE ANNUAL WORK PLANS FOR MAINTENANCE OF STATE STREETS AND HIGHWAYS WITHIN MUNICIPALITIES AND TO MODIFY THE AUTHORIZATION GIVEN FOR THE CONTRACT OF THE HERBERT C. BONNER REPLACEMENT BRIDGE PROJECT AT OREGON INLET.

H.B. 829, AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL FLAGS.

H.B. 888, AN ACT TO INCREASE THE PENALTY FOR COCKFIGHTING.

H.B. 890, AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A CRIME LABORATORY OPERATED BY A LOCAL GOVERNMENT.

H.B. 891, AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES.

H.B. 911, AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM.

H.B. 967, AN ACT TO PROVIDE THAT IF A VALIDLY EXECUTED HEALTH CARE POWER OF ATTORNEY AUTHORIZES THE HEALTH CARE AGENT TO EXERCISE RIGHTS WITH RESPECT TO ANATOMICAL GIFTS, AUTOPSY, OR DISPOSITION OF THE PRINCIPAL'S REMAINS, THE AUTHORIZING PROVISION WILL CONTINUE IN EFFECT AFTER THE DEATH OF THE PRINCIPAL FOR PURPOSES OF EXERCISING THE AUTHORIZED RIGHTS, TO DEFINE "DISPOSITION OF REMAINS", AND TO MAKE CONFORMING CHANGES.

H.B. 1085, AN ACT TO REQUIRE A DEFENDANT ARRESTED FOR USING DOGS FOR FIGHTING TO POST A DEPOSIT TO THE ANIMAL SHELTER TO PAY FOR THE DOGS' KEEP DURING THE PERIOD PRIOR TO ADJUDICATION OF THE CHARGES.

H.B. 1086, AN ACT REVISING THE JURISDICTION OF THE GENERAL ASSEMBLY POLICE AND THE OATH OF OFFICE TO REFLECT THAT CHANGE, AND TO MAKE A TECHNICAL AMENDMENT.

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H.B. 1096, AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) CHANGE THE NAME OF THE WETLANDS RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND; (4) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (5) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; (6) PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION; (7) MAKE CLARIFYING AMENDMENTS TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973; (8) CHANGE THE NAME OF THE AIR QUALITY COMPLIANCE ADVISORY PANEL TO THE SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL; AND (9) PROVIDE EXEMPTIONS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS FOR CERTAIN PERSONS AND CERTAIN ACTIVITIES.

H.B. 1136, AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES.

H.B. 1150, AN ACT TO AMEND THE JUVENILE CODE TO EXPEDITE OUTCOMES FOR CHILDREN AND FAMILIES INVOLVED IN WELFARE CASES AND APPEALS AND TO LIMIT THE APPOINTMENT OF GUARDIANS AD LITEM FOR PARENTS IN ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS.

H.B. 1169, AN ACT TO AUTHORIZE THE INVESTMENT OF STATE AND LOCAL FUNDS IN NORTH CAROLINA FINANCIAL INSTITUTIONS.

H.B. 1174, AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS REGARDING THE ISSUANCE AND REVOCATION OF PERMITS AT LOCATIONS THAT ARE OR BECOME UNSUITABLE TO HOLD ABC PERMITS.

H.B. 1176, AN ACT TO AMEND THE CAP ON PROPERTY OF A JUDGMENT DEBTOR THAT IS FREE OF THE ENFORCEMENT OF THE CLAIMS OF CREDITORS, AND TO EXEMPT CERTAIN TYPES OF PROPERTY FROM ENFORCEMENT.

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H.B. 1213, AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES UNDER CERTAIN CIRCUMSTANCES MAY HAVE THOSE CHARGES EXPUNGED IF THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT.

H.B. 1227, AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT AND TO AMEND MOTOR VEHICLE FRANCHISE LAWS.

H.B. 1277, AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM.

H.B. 1281, AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS.

H.B. 1284, AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW.

H.B. 1295, AN ACT TO CLARIFY THE MAXIMUM WEIGHT OF A MOTOR VEHICLE THAT IS SUBJECT TO THE NEW MOTOR VEHICLES WARRANTIES ACT AND TO PROMOTE THE EXPEDITIOUS SETTLEMENT OF CLAIMS WHEN THE CONSUMER REQUESTS THE MANUFACTURER TO REPURCHASE THE MOTOR VEHICLE.

H.B. 1310, AN ACT TO PERMIT STUDENTS TO USE THEIR SAT SCORES OR PRAXIS I SCORES TO QUALIFY FOR ADMISSION TO TEACHER EDUCATION PROGRAMS.

H.B. 1316, AN ACT ADOPTING THE FRASER FIR AS THE OFFICIAL CHRISTMAS TREE OF THE STATE OF NORTH CAROLINA AND THE SOUTHERN APPALACHIAN BROOK TROUT AS THE OFFICIAL FRESHWATER TROUT OF NORTH CAROLINA.

H.B. 1318, AN ACT TO CLARIFY THE LAWS REGARDING EQUITABLE DISTRIBUTION BY REQUIRING THE COURT TO CONSIDER EVIDENCE RELATING TO BUILT-IN TAXES AND OTHER TAX CONSEQUENCES OF THE PARTIES TO A DIVORCE ACTION IN DETERMINING EQUITABLE DISTRIBUTION.

H.B. 1357, AN ACT AUTHORIZING THE ACUPUNCTURE LICENSING BOARD TO EMPLOY CERTAIN PROFESSIONAL ADVISORS; TO CLARIFY QUALIFICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL, AND INACTIVE, SUSPENDED, EXPIRED, AND LAPSED LICENSES; TO CLARIFY CONTINUING EDUCATION; AND TO INCREASE AND ESTABLISH CERTAIN FEES.

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H.B. 1375, AN ACT AMENDING THE LAWS RELATING TO CHILD SUPPORT ENFORCEMENT IN ORDER TO CLARIFY AND ENHANCE THOSE LAWS.

H.B. 1404, AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS TO SERVE PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES.

H.B. 1429, AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, TO CLARIFY THE LAW CONCERNING SPLIT-CASE FEES, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE.

H.B. 1465, AN ACT TO PROHIBIT THE DISPOSAL OF MOTOR VEHICLE OIL FILTERS, RIGID PLASTIC CONTAINERS, WOODEN PALLETS, AND OYSTER SHELLS IN LANDFILLS.

H.B. 1468, AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE CERTAIN TELECOMMUNICATION SERVICE PROVIDERS TO BE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS.

H.B. 1491, AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE LIABILITY INSURANCE FOR SCHOOL SOCIAL WORKERS WHO TRANSPORT STUDENTS.

H.B. 1500, AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND PROVIDE FOR THE ISSUANCE OF WINE SHOP PERMITS, TO AMEND LAWS CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, WINE DISTRIBUTION AGREEMENTS AND BEER FRANCHISE AGREEMENTS, AND TO PROVIDE FOR THE BIOMETRIC IDENTIFICATION OF PURCHASERS OF ALCOHOL AND TOBACCO PRODUCTS.

H.B. 1517, AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO CHILD CARE FACILITIES AND TO MAKE IT A CRIMINAL OFFENSE FOR A BABY SITTING SERVICE TO BE OFFERED OR PROVIDED BY A SEX OFFENDER OR TO BE LOCATED IN THE HOME OF A SEX OFFENDER.

H.B. 1518, AN ACT TO REQUIRE HOLDERS OF CERTAIN ABC PERMITS TO RECYCLE ALL RECYCLABLE CONTAINERS OF ALL BEVERAGES SOLD AT RETAIL ON THE PREMISES AND TO PROHIBIT THE DISPOSAL OF THOSE CONTAINERS IN LANDFILLS OR BY INCINERATION.

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H.B. 1543, AN ACT TO PROVIDE THAT PHOTOGRAPHS AND VIDEO OR AUDIO RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT PUBLIC RECORDS AND TO ALLOW FOR LIMITED ACCESS TO RECORDED IMAGES OF AN AUTOPSY BY THE PUBLIC.

The Enrolling Clerk reports the following bill and resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1180, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION. (Res. 51)

H.B. 328, AN ACT TO ADD THE CITY OF ALBEMARLE AND THE TOWNS OF BEAUFORT AND SOUTHERN SHORES TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWNS OF DUCK, KILL DEVIL HILLS, KITTY HAWK, AND NAGS HEAD TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, TO ALLOW THE TOWN OF ST. JAMES TO EXERCISE PLANNING JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND TO ALLOW EXTRATERRITORIAL PLANNING JURISDICTION IN 2010, TO EXEMPT THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN ABC STORE IN BRUNSWICK COUNTY BE LOCATED NO CLOSER THAN SEVEN MILES FROM A MUNICIPALITY WITH AN EXISTING ABC STORE, TO ADD WASHINGTON COUNTY TO THE COUNTIES IN WHICH IT IS ILLEGAL TO REMOVE OR DESTROY AN ELECTRONIC DOG COLLAR, CLARIFYING THE ORANGE COUNTY VOTING CENTERS ACT, AND TO AUTHORIZE THE TOWN OF MATTHEWS TO ADOPT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THAT TOWN, AND TO VALIDATE ELECTIONS AND ACTIONS OF THE PAMLICO COUNTY BOARD OF EDUCATION, AND TO CHANGE THE OFFICE OF TAX COLLECTOR IN HENDERSON COUNTY FROM ELECTIVE TO APPOINTIVE, AND TO RECONFIRM AND VALIDATE NONPARTISAN ELECTIONS FOR THE ELIZABETH CITY-PASQUOTANK BOARD OF EDUCATION AND VALIDATE ACTIONS OF THAT BOARD, AND TO AUTHORIZE THE TOWN OF BLADENBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, AND TO CLARIFY THAT CERTAIN STATE LAND IS SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS BY THE

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TOWN OF SOUTHPORT WITHOUT THE APPROVAL OF THE COUNCIL OF STATE, AND TO CLARIFY THAT MOREHEAD CITY MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING AND TO AUTHORIZE THAT CITY TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION BE REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

H.J.R. 1795, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION. (Res. 52)

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1121, AN ACT TO PROVIDE FOR THE MERGER OF A HOSPITAL AUTHORITY CREATED BY A CITY AND A CHARITABLE OR RELIGIOUS CORPORATION OR A HOSPITAL AUTHORITY IN THE COUNTY IN WHICH THE CITY IS LOCATED AND RELATING TO PUBLIC HOSPITAL INVESTMENTS.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 23, 2005

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 1795**, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION and **S.J.R. 1180** (House Committee Substitute), A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION, the House stands ready to receive your Honorable Body in Joint Session.

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Respectfully,
S/Denise G. Weeks
Principal Clerk

Senator Basnight offers a motion in accordance with **H.J.R. 1795**, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, and **S.J.R. 1180** (House Committee Substitute), A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION, that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session to consider the confirmation of appointments by the Governor to the State Board of Education and to determine by joint ballot the contested election for Superintendent of Public Instruction, and further moves that, upon dissolution of the Joint Session, the Senate will return to the Senate Chamber to resume its business, which motions prevail.

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives.

The President declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives there to sit in Joint Session.

JOINT SESSION

With members of the House of Representatives standing, the Senate is received in the Hall of the House of Representatives. Speaker Black calls the Joint Session to order.

The roll of the House of Representatives is called electronically to determine a quorum and the following members answer the call:

Speaker Black, Representatives Adams, Alexander, Allen of Wake, Allen of Franklin, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Bordsen, Brown, Brubaker, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones of Guilford, Jones of Halifax, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, Yongue.

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Speaker Black directs the Reading Clerk of the Senate to call the roll of the Senate to determine a quorum and the following members answer the call:

Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein.

Speaker Black declares a quorum of each Body present and announces the Joint Session shall proceed with the business for which it convened, the confirmation of the appointments by the Governor of members to the State Board of Education as outlined in H.J.R. 1795 (Res. 52). The Speaker places before the House of Representatives **H.J.R. 1796**, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF MELISSA BARTLETT, SHIRLEY EAST HARRIS, AND HOWARD N. LEE TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION, and directs the Reading Clerk of the House to read the resolution.

The House of Representatives passes the joint resolution on its second reading (115-1).

Without objection, the joint resolution remains before the House of Representatives for further consideration upon third reading. The joint resolution passes its third reading and is ordered sent to the Senate by special message.

Speaker Black relinquishes the gavel to the President of the Senate, Lieutenant Governor Beverly E. Perdue, who presides and calls the Senate to order.

The President calls for messages from the House of Representatives and directs the Reading Clerk of the Senate to read as follows:

H.J.R. 1796, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF MELISSA BARTLETT, SHIRLEY EAST HARRIS, AND HOWARD N. LEE TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION.

Senator Lucas, Co-Chair of the Education/Higher Education Committee, offers a motion that the rules be suspended and that the joint resolution be placed before the Senate for immediate consideration, which motion prevails. Senator Lucas is recognized and speaks to the passage of the joint resolution.

The Senate passes the joint resolution on its second reading (49-0). Without objection, the joint resolution remains before the Senate for further consideration upon third reading. The joint resolution passes its third reading and is ordered enrolled.

The President of the Senate announces that the Senate and House of Representatives, sitting in Joint Session, confirm Governor Easley's appointments of Melissa Bartlett, Shirley East Harris, and Howard N. Lee, to the State Board of Education and orders the Governor notified pursuant to G.S. 143-47.7 of action of the General Assembly taken on this date.

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The President of the Senate declares the Joint Session dissolved.

**JOINT SESSION
CONTESTED ELECTION**

The Senate and the House of Representatives convene in Joint Session in the Hall of the House of Representatives pursuant to Article VI, Section 5 of the *North Carolina Constitution* and as outlined in Session Law 2005-3 to determine by joint ballot the contested election for the Superintendent of Public Instruction.

Pursuant to SENATE JOINT RESOLUTION **1180**, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO DETERMINE BY JOINT BALLOT THE CONTESTED ELECTION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION, Speaker Black calls the joint session to order.

The roll of the House of Representatives is called electronically to determine a quorum and the following members answer the call:

Speaker Black, Representatives Adams, Alexander, Allen of Wake, Allen of Franklin, Allred, Almond, Barnhart, Bell, Blackwood, Bordsen, Bordsen, Brown, Brubaker, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Crawford, Culp, Culpepper, Cunningham, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hackney, Haire, Harrell, Harrison, Hill, Hilton, Holliman, Hollo, Holloway, Holmes, Howard, Hunter, Insko, Jeffus, Johnson, Jones of Guilford, Jones of Halifax, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, Lucas, Martin, McAllister, McComas, McGee, McLawhorn, Michaux, Moore, Morgan, Nye, Owens, Parmon, Pate, Pierce, Preston, Rapp, Ray, Rayfield, Ross, Sauls, Saunders, Setzer, Sherrill, Stam, Starnes, Steen, Stiller, Sutton, Tolson, Tucker, Underhill, Vinson, Wainwright, Walend, Walker, Warren, Weiss, West, Wiley, Wilkins, Williams, Wilson, Womble, Wray, Wright, Yongue.

The Speaker of the House directs the Reading Clerk of the Senate to call the roll of the Senate to determine a quorum and the following members answer the call:

Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein.

The Speaker of the House declares a quorum of each Body present and announces the Joint Session shall proceed with the business for which it is convened, the determination by joint ballot of the contested election for the Superintendent of Public Instruction.

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Representative Culpepper is recognized and offers a motion that the Rules of the 2005 House of Representatives be adopted as the Rules for the Joint Session. The motion prevails.

Representative Ross and Senator Clodfelter are recognized by Speaker Black to submit the report from the Joint Select Committee on Council of State Contested Elections.

The Speaker directs the Sergeant-at-Arms of the Senate and the House of Representatives to distribute the paper ballots to the members of the respective Bodies. Speaker Black explains the procedure to be followed and further explains that each ballot shall be marked and signed or it will not be counted.

The Sergeants-at-Arms collect the ballots and the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives tally the votes.

The Speaker announces that June Atkinson having received 93 votes, Bill Fletcher having received 21 votes, 26 ballots having been marked "cannot determine," the majority of the members present determine that June Atkinson is duly elected to the Office of the Superintendent of Public Instruction.

The Speaker directs the Principal Clerk of the House of Representatives to prepare a written final determination for signature and to file the determination with the Secretary of State and the State Board of Elections.

Upon motion of Senator Basnight, the Joint Session is dissolved and, pursuant to the motion prevailing earlier in the Senate, the Senate returns to the Senate Chamber to resume its business.

Pursuant to Senator Basnight's earlier motion to recess for a Joint Session and to return to the Senate Chamber upon dissolution of the Joint Session, the Senate reconvenes in the Senate Chamber and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

H.B. 1349 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE ITS LICENSURE AND REGISTRATION FEES AND ESTABLISH CERTAIN NEW FEES AND MAKING CERTAIN CHANGES TO THE CONDITIONS OF LICENSE RENEWAL UNDER THE PHARMACY PRACTICE ACT, temporarily displaced earlier today.

Senator Purcell offers Amendment No. 1 which is adopted (48-0), and changes the title upon concurrence to read **H.B. 1349** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE ITS LICENSURE AND REGISTRATION FEES AND ESTABLISH CERTAIN NEW FEES AND MAKING CERTAIN CHANGES TO THE CONDITIONS OF LICENSE

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RENEWAL UNDER THE PHARMACY PRACTICE ACT AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO INCREASE CERTAIN FEES.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special message, for concurrence in Senate Amendment No. 1.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 393** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES, 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 393, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES, House Committee Substitute Favorable 8/11/05, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute Favorable 8/11/05, and the Senate concurs in the House Committee Substitute as amended:

On page 1, line 23, by adding the word "business" after the number "25".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 23, 2005.

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Conferees for the Senate

Conferees for the
House of Representatives

S/Sen. David W. Hoyle, Chair
S/Sen. Clark Jenkins
S/Sen. Scott Thomas
S/Sen. James Forrester

S/Rep. Jennifer Weiss, Chair
S/Rep. Paul Luebke
S/Rep. Daniel F. McComas
S/Rep. Pricey Harrison

With unanimous consent, upon motion of Senator Hoyle, the rules are suspended and the Conference Report is placed on today's Calendar for immediate consideration.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report (49-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1128** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT; AND TO CLARIFY THE DEFINITION OF "CORPORATION", 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 1128, A BILL TO BE ENTITLED AN ACT TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO

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BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT; AND TO CLARIFY THE DEFINITION OF "CORPORATION", Senate Judiciary I Committee Substitute Adopted 8/12/05, submit the following report:

The Senate and House agree to the following amendments to the Senate Judiciary I Committee Substitute Adopted 8/12/05, and the House concurs in the Senate Committee Substitute as amended:

on page 1, line 18,

by deleting the word "AND" and by inserting before the period the following: "; AND TO PROVIDE TRAINING FOR TREASURERS OF POLITICAL COMMITTEES"; and

on page 8, line 31,

by inserting after that line the following:

SECTION 10.1. G.S. 163-278.7 is amended by adding a new subsection to read:

"(f) The State Board of Elections shall provide training for every treasurer of a political committee, prior to the election in which the political committee is involved, as to the duties of the office. The State Board of Elections shall provide each treasurer with a CD-ROM, DVD, videotape, or other electronic document containing training as to the duties of the office, and shall conduct regional seminars for in-person training. All such training shall be free of charge to the treasurer."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 23, 2005.

Conferees for the Senate

S/Senator Daniel Clodfelter
S/Senator Tony Rand
S/Senator Fletcher Hartsell

Conferees for the
House of Representatives

S/Representative Deborah K. Ross
S/Representative Tim Moore
S/Representative Hugh Holliman

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Upon motion of Senator Clodfelter, the rules are suspended and the Conference Report which changes the title, is placed on today's Calendar for immediate consideration.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (49-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Kinnaird:

S.J.R. 1183, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF THE TOWN OF ROXBORO ON THE OCCASION OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN'S INCORPORATION.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1168, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF COLONEL THOMAS FEREBEE AND ACKNOWLEDGING THE VETERANS OF WORLD WAR II ON THE SIXTIETH ANNIVERSARY OF THE END OF THAT WAR, referred to the **Rules and Operations of the Senate Committee** on April 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

CALENDAR *(continued)*

H.B. 1635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOMEMAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS, recalled from enrolling and temporarily displaced earlier today.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East,

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Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

H.B. 1524 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, TO AMEND THE POWERS AND DUTIES OF THE STATE PERSONNEL COMMISSION CONCERNING PILOT PROJECTS, AND TO MAKE VARIOUS OTHER AMENDMENTS TO STATE PERSONNEL LAWS.

Upon motion of Senator Rand, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

S.J.R. 1182, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2005 GENERAL ASSEMBLY TO MEET IN 2006 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, placed earlier on today's Calendar.

Upon motion of Senator Rand, the joint resolution is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1184, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2005 GENERAL ASSEMBLY TO MEET IN 2006 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

WITHDRAWAL OF COMMUNITY COLLEGES BOARD NOMINEE

Senator Rand is recognized and withdraws the name of Mr. John Q. Shaw, Jr. of Harnett County whom he recommended and who was nominated by the **Education/Higher Education Committee** in its report submitted on August 22 for election to the Community Colleges Board.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1207 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO AMEND THE APPOINTMENT OF THE MEMBERSHIP OF THE EDENTON HISTORICAL COMMISSION.

Referred to the **Rules and Operations of the Senate Committee.**

The Senate recesses at 4:49 P.M. for the purpose of a Finance Committee meeting and a Rules and Operations of the Senate Committee meeting to reconvene at 6:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Garwood.

CONFERENCE REPORT

Senator Purcell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1493** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY, 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 1493, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY, Senate Health Care Committee Substitute Adopted 8/10/05, Fourth Edition Engrossed 8/11/05, submit the following report:

The Senate and House agree to the following amendments to the Senate Health Care Committee Substitute Adopted 8/10/05 Fourth Edition Engrossed 8/11/05, and the House concurs in the Senate Health Care Committee Substitute as amended:

on page 1, lines 14 – 15, by rewriting the lines to read:

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"employed by the pharmacy. The notice shall include the specific reason for the investigation and be given prior to the initiation of any disciplinary proceedings.";

and on page 4, line 19, by rewriting the line to read:

"a. A visit to a physician or an emergency room attributed to the alleged medication";

and on page 4, lines 23 – 24, by rewriting the lines to read:

"(2) The Board has initiated a disciplinary proceeding against the pharmacist as a result of the investigation. Unless the";

and on page 4, lines 34 – 36, by deleting the lines.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 23, 2005.

Conferees for the Senate

Conferees for the
House of Representatives

S/Senator William R. Purcell, M.D.,
Chair

S/Representative E. Nelson Cole,
Chair

S/Senator Stan Bingham

S/Representative Bob England, M.D.

S/Senator Vernon Malone

S/Representative Edd Nye

Upon motion of Senator Purcell, the rules are suspended and the Conference Report is placed on today's Calendar for immediate consideration.

Upon motion of Senator Purcell, the Conference Report is adopted (47-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 6:43 P.M. to reconvene at 6:48 P.M. subject to receipt of committee reports.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 650 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES, TO CLARIFY THE PROCEDURE FOR ASSIGNING COMPLEX BUSINESS CASES, TO

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AUTHORIZE A LARGER FEE FOR COMPLEX BUSINESS CASES, AND TO CHANGE THE DATE DISTRICT COURT JUDGES TAKE OFFICE, with a favorable report, as amended. Pursuant to Rule 43.1, Committee Amendment No. 1 is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill as amended by the Finance Committee is placed on today's Calendar.

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 as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

H.B. 1207 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO AMEND THE APPOINTMENT OF THE MEMBERSHIP OF THE EDENTON HISTORICAL 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 10405, which changes the title upon concurrence to read **H.B. 1207** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, TO MAKE TECHNICAL CHANGES TO VARIOUS TERMS, AND TO AMEND THE APPOINTMENT OF THE MEMBERSHIP OF THE EDENTON HISTORICAL COMMISSION, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

H.B. 1524 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, TO AMEND THE POWERS AND DUTIES OF THE STATE PERSONNEL COMMISSION CONCERNING PILOT PROJECTS, AND TO MAKE VARIOUS OTHER AMENDMENTS TO STATE PERSONNEL LAWS, placed earlier on today's Calendar.

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Senator Rand offers Amendment No. 1 which is adopted (46-0) and changes the title upon concurrence to read **H.B. 1524** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES AND TO MAKE VARIOUS OTHER AMENDMENTS TO STATE PERSONNEL LAWS.

Upon motion of Senator Rand, the President orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

S.J.R. 1168, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF COLONEL THOMAS FEREBEE AND ACKNOWLEDGING THE VETERANS OF WORLD WAR II ON THE SIXTIETH ANNIVERSARY OF THE END OF THAT WAR, placed earlier on today's Calendar.

Upon motion of Senator Brock, the joint resolution is read in its entirety.

The joint resolution passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 650 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES, TO CLARIFY THE PROCEDURE FOR ASSIGNING COMPLEX BUSINESS CASES, TO AUTHORIZE A LARGER FEE FOR COMPLEX BUSINESS CASES, AND TO CHANGE THE DATE DISTRICT COURT JUDGES TAKE OFFICE, placed earlier on today's Calendar.

Upon motion of Senator Hoyle, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

S.J.R. 1183, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF THE TOWN OF ROXBORO ON THE OCCASION OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN'S INCORPORATION, placed earlier on today's Calendar.

The joint resolution passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 1207 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, TO MAKE TECHNICAL CHANGES TO VARIOUS TERMS, AND TO AMEND THE APPOINTMENT OF THE MEMBERSHIP OF THE EDENTON HISTORICAL COMMISSION, placed earlier on today's Calendar.

Senator Rand offers Amendment No. 1 which is adopted (46-0).

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.

August 23, 2005

H.B. 650 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES, TO CLARIFY THE PROCEDURE FOR ASSIGNING COMPLEX BUSINESS CASES, TO AUTHORIZE A LARGER FEE FOR COMPLEX BUSINESS CASES, AND TO CHANGE THE DATE DISTRICT COURT JUDGES TAKE OFFICE, placed earlier on today's Calendar and temporarily displaced.

The Senate Committee Substitute bill, as amended by the Finance Committee, 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. 1524 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, TO AMEND THE POWERS AND DUTIES OF THE STATE PERSONNEL COMMISSION CONCERNING PILOT PROJECTS, AND TO MAKE VARIOUS OTHER AMENDMENTS TO STATE PERSONNEL LAWS, as amended and temporarily displaced earlier.

Senator Stevens offers Amendment No. 2 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (46-2) 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1793, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. BARBARA KINARD PHILLIPS, DISTINGUISHED NORTH CAROLINIAN.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

The Chair grants a leave of absence for the remainder of today's session to Senator Pittenger.

Upon motion of Senator Garrou, the joint resolution is read in its entirety.

The joint resolution passes its second (44-0) and third readings and is ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1076 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL.

August 23, 2005

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. 1076 and requests conferees, Senator Swindell offers a motion that the Senate appoint conferees which motion prevails.

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Swindell, Chair; Senator Boseman; Senator Garwood and Senator Malone 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. 576 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO PROHIBIT THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION SERVICES BY A STATE OR LOCAL GOVERNMENT OR BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO WHICH THE SERVICES ARE REQUIRED.

Pursuant to the message from the House of Representatives received yesterday, August 22, that the House fails to concur in the Senate Committee Substitute bill for H.B. 576 and requests conferees, Senator Hoyle offers a motion that the Senate appoint conferees which motion prevails.

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chair; Senator Forrester; Senator Kerr and Senator Thomas as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (*continued*)

S.J.R. 1181, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF HOWARD N. LEE, MELISSA BARTLETT, AND SHIRLEY EAST HARRIS TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION.

Upon motion of Senator Rand, the joint resolution is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

The Senate recesses at 7:51 P.M. to reconvene at 9:30 P.M. subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

August 23, 2005

S.B. 486, AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES.

S.B. 681, AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES.

S.B. 705, AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD.

S.B. 757, AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

S.B. 796, AN ACT TO PROVIDE FOR CRIMINAL RECORD CHECKS OF APPLICANTS FOR PERMITS AND LICENSES TO CONDUCT ARCHAEOLOGICAL OPERATIONS AND INVESTIGATIONS.

S.B. 1048, AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005.

H.B. 1112, AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL LISTING OF MENTAL HEALTH FACILITIES DESIGNATED TO ASSIST IN THE PLACEMENT OF INDIVIDUALS TO BE INVOLUNTARILY COMMITTED AND REQUIRE AREA AUTHORITIES TO MAINTAIN A CRISIS RESPONSE SERVICE.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 691, AN ACT AUTHORIZING THE TOWN OF CARRBORO TO LEVY A MOTOR VEHICLE TAX NOT TO EXCEED TWENTY-FIVE DOLLARS AND RELATING TO THE IMPOSITION OF A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION BY THE TOWN OF BLACK MOUNTAIN.

H.B. 1034, AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

August 23, 2005

H.B. 535 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE.

Referred to the **Education/Higher Education Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 23, 2005

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. 1078**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANGIER TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, and requests conferees.

Speaker Black has appointed:

Representative Lewis, Chair
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 G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 23, 2005

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has dismissed the conferees on the Senate Committee Substitute for **H.B. 1078**, A BILL TO BE ENTITLED
+AN ACT AUTHORIZING THE TOWN OF ANGIER TO GIVE ANNUAL
NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

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Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 23, 2005

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. 1493** (Conference Report), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY.

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

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 629, AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS.

S.B. 1126, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2006, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE WAIVER, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF

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UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION AND THE WILDLIFE RESOURCES COMMISSION TO JOINTLY DISPERSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE.

H.B. 630, AN ACT TO REQUIRE MANUFACTURED HOME DEALERS TO ESTABLISH AND MAINTAIN ESCROW OR TRUST ACCOUNTS FOR BUYER DEPOSITS; TO CLARIFY THE CONTRACT NEGOTIATION PROCESS; AND TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MANUFACTURED HOUSING BOARD.

H.B. 646, AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES, AND TO AUTHORIZE THE DEPARTMENT OF INSURANCE TO HIRE A MEDICARE LOOKOUT PROGRAM COORDINATOR WITH FEDERAL GRANT FUNDING.

H.B. 766, AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA.

H.B. 787, AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE; TO ALLOW DOT TO SIGN A VOLUNTARY ANNEXATION PETITION WITH THE TOWN OF KNIGHTDALE; TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES LOCATED PRIMARILY WITHIN THE COUNTY TO EXERCISE MOST MUNICIPAL FUNCTIONS; AND TO AMEND THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK AND THE TREASURER.

H.B. 1261, AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, TO CLARIFY THE AUTHORIZED EXPENDITURES FROM THE EMERGENCY TELEPHONE SYSTEM FUND, TO CAP WIRE 911 SERVICE CHARGES, AND TO STUDY ISSUES RELATED TO ARTICLE 1 OF CHAPTER 62A OF THE GENERAL STATUTES.

August 23, 2005

H.B. 1635, AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOMEMAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 328, AN ACT TO ADD THE CITY OF ALBEMARLE AND THE TOWNS OF BEAUFORT AND SOUTHERN SHORES TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWNS OF DUCK, KILL DEVIL HILLS, KITTY HAWK, AND NAGS HEAD TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, TO ALLOW THE TOWN OF ST. JAMES TO EXERCISE PLANNING JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND TO ALLOW EXTRATERRITORIAL PLANNING JURISDICTION IN 2010, TO EXEMPT THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN ABC STORE IN BRUNSWICK COUNTY BE LOCATED NO CLOSER THAN SEVEN MILES FROM A MUNICIPALITY WITH AN EXISTING ABC STORE, TO ADD WASHINGTON COUNTY TO THE COUNTIES IN WHICH IT IS ILLEGAL TO REMOVE OR DESTROY AN ELECTRONIC DOG COLLAR, CLARIFYING THE ORANGE COUNTY VOTING CENTERS ACT, AND TO AUTHORIZE THE TOWN OF MATTHEWS TO ADOPT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THAT TOWN, AND TO VALIDATE ELECTIONS AND ACTIONS OF THE PAMLICO COUNTY BOARD OF EDUCATION, AND TO CHANGE THE OFFICE OF TAX COLLECTOR IN HENDERSON COUNTY FROM ELECTIVE TO APPOINTIVE, AND TO RECONFIRM AND VALIDATE NONPARTISAN ELECTIONS FOR THE ELIZABETH CITY-PASQUOTANK BOARD OF EDUCATION AND VALIDATE ACTIONS OF THAT BOARD, AND TO AUTHORIZE THE TOWN OF BLADENBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, AND TO CLARIFY THAT CERTAIN STATE LAND IS SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND THE IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS BY THE TOWN OF SOUTHPORT WITHOUT THE APPROVAL OF THE COUNCIL OF STATE, AND TO CLARIFY THAT MOREHEAD CITY MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING AND TO AUTHORIZE THAT CITY TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION BE REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS. (Became law upon ratification, August 23, 2005 - S.L. 2005-305.)

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 23, 2005

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. 393** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the conference report for S.B. 393 earlier today, the President orders the bill 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
August 23, 2005

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. 1128** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES

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UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT; TO CLARIFY THE DEFINITION OF "CORPORATION"; AND TO PROVIDE TRAINING FOR TREASURERS OF POLITICAL COMMITTEES.

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

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 148 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS, for concurrence in the House Committee Substitute bill.

Referred to the **Appropriations/Base Budget Committee**.

S.B. 339 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF AHOSKIE AND ELKIN TO LEVY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES, CREATING A TAXING DISTRICT IN OCRACOCKE TOWNSHIP FOR THE PURPOSES OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, AMENDING THE ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES FOR THE COUNTIES OF CHOWAN AND MARTIN, AND REENACTING THE OCCUPANCY TAX AMENDMENTS IN CARTERET COUNTY, for concurrence in the House Committee Substitute bill.

Referred to the **Finance Committee**.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

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The Chair grants a leave of absence for the remainder of today's session to Senator Shaw.

CONFERENCE REPORT

Senator Albertson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1130** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL INSTITUTIONS, 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 1130, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL INSTITUTIONS, House Committee Substitute Favorable 7/27/05, Fourth Edition Engrossed 8/4/05, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute Favorable 7/27/05, Fourth Edition Engrossed 8/4/05, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 7/27/05, Fourth Edition Engrossed 8/4/05, and substitute the attached Proposed Conference Committee Substitute S1130-PCCS55283-RF-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 23, 2005.

Conferees for the Senate

Conferees for the
House of Representatives

S/Senator Charles W. Albertson,
Chair

S/Representative Hugh Holliman,
Chair

S/Senator Janet Cowell

S/Representative Martha B.
Alexander

S/Senator James Forrester

S/Representative Melanie Wade
Goodwin

S/Senator William R. Purcell

S/Representative R. Phillip Haire
S/Representative Bonner L. Stiller

The text of the attached Proposed Conference Committee Substitute, PCCS S1130-PCCS55283-RF-1, which changes the title, is as follows:

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A BILL TO BE ENTITLED

AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-599, as amended by S.L. 2005-19, S.L. 2005-168, and S.L. 2005-239, is amended by adding a new subdivision to read:

"(9) State correctional facilities operated by the Department of Correction."

SECTION 2. Article 2 of Chapter 148 of the General Statutes is amended by adding a new section to read:

§ 148-23.1. Smoking prohibited in State correctional facilities.

(a) The General Assembly finds that in order to protect the health, welfare, and comfort of inmates in the custody of the Department of Correction and to reduce the costs of inmate health care, it is necessary to prohibit inmates from using tobacco products inside State correctional facilities and to ensure that employees and visitors do not use tobacco products inside those facilities.

(b) No person may use tobacco products inside of a State correctional facility, except for authorized religious purposes.

(c) The Department of Correction may adopt rules to implement the provisions of this section. Inmates in violation of this section are subject to disciplinary measures to be determined by the Department, including the potential loss of sentence credits earned prior to that violation. Employees in violation of this section are subject to disciplinary action by the Department. Visitors in violation of this section are subject to removal from the facility and loss of visitation privileges.

(d) As used in this section, the following terms mean:

(1) State correctional facility. – All buildings of a State correctional institution operated by the Department of Correction.

(2) Tobacco products. – Cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant that are prepared or used for smoking, chewing, dipping, or other personal use."

SECTION 3. The Department of Correction shall conduct one or more pilot programs banning smoking both inside buildings and on the grounds of State correctional institutions and administering smoking cessation programs for staff and inmates. The pilot smoking cessation programs shall be available to inmates and staff on a volunteer basis, and no person shall be compelled or coerced to participate. The smoking cessation program shall include instructions and education that will help inmates and staff cease the use of tobacco products and remain smoke free. The cost of administering the pilot smoking cessation program shall be paid from existing funds available to the Department of Correction. The Department of Correction may use services, personnel, and resources donated by nongovernmental agencies and organizations to implement this program. The Department of Correction shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on or before April 1, 2006, on the progress and status of the pilot programs.

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SECTION 4. The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee shall study and make legislative recommendations on the feasibility and implementation of a two-year phase-in program banning smoking by all inmates, personnel, and visitors in all buildings and on all grounds of State correctional institutions operated by the Department of Correction. This study shall examine methods to assist with smoking cessation, including the use of nongovernmental agencies, organizations, and corporations for counseling, training, cessation aids, and interventions. The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee shall report the results of this study to the General Assembly prior to the convening of the 2006 Session of the 2005 General Assembly.

SECTION 5. Sections 1 and 2 of this act become effective January 1, 2006. The remainder of this act is effective when it becomes law.

With unanimous consent, upon motion of Senator Albertson, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Purcell for the **Health Care Committee**:

H.B. 1060 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL 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 80461, which changes the title upon concurrence to read **H.B. 1060** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL LAW; AND RELATING TO REGULATION OF GASTROINTESTINAL ENDOSCOPY ROOMS IN LICENSED HEALTH SERVICE FACILITIES, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

S.B. 1130 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS, placed earlier on today's Calendar for adoption.

Upon motion of Senator Albertson, the Senate adopts the Conference Report (44-1).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1060 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL"

August 23, 2005

TO CONFORM TO FEDERAL LAW; AND RELATING TO REGULATION OF GASTROINTESTINAL ENDOSCOPY ROOMS IN LICENSED HEALTH SERVICE FACILITIES, placed earlier on today's Calendar.

Without objection, Senator Clodfelter requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.

The Senate Committee Substitute bill passes its second (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.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 576** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO PROHIBIT THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION SERVICES BY A STATE OR LOCAL GOVERNMENT OR BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO WHICH THE SERVICES ARE REQUIRED, 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 576, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO PROHIBIT THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION SERVICES BY A STATE OR LOCAL GOVERNMENT OR BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO WHICH THE SERVICES ARE REQUIRED, Senate Commerce Committee Substitute Adopted 8/10/05, Fifth Edition Engrossed 8/11/05, submit the following report:

The House and the Senate agree to the following amendment to the Senate Commerce Committee Substitute Adopted 8/10/05, Fifth Edition Engrossed 8/11/05, 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 H576-CCSRC-1[v.3].

The conferees recommend that the Senate and the House of Representatives adopt this report.

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Date Conferees approved report: August 23, 2005.

Conferees for the Senate

Conferees for the
House of Representatives

S/David Hoyle
S/John Kerr
S/Scott Thomas
S/Jim Forrester

S/Joe P. Tolson, Chair
S/Bob England. M.D.
S/John I. Sauls

The text of the attached Proposed Conference Committee Substitute, PCCS H576-CCSRC-1[v.3], which changes the title, is as follows:

A BILL TO BE ENTITLED

AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO STUDY THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION SERVICES BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO WHICH THE SERVICES ARE REQUIRED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-64.34 reads as rewritten:

"§ 143-64.34. Exemption of certain projects.

(a) State ~~Capital Improvement Projects~~ capital improvement projects under the jurisdiction of the State Building Commission and community college capital improvement projects, where the estimated expenditure of public money is less than one hundred thousand dollars (~~(\$100,000)~~ (\$100,000), are exempt from the provisions of this Article.

(b) A capital improvement project of The University of North Carolina under G.S. 116-31.11 where the estimated expenditure of public money is less than three hundred thousand dollars (\$300,000) is exempt from this Article ~~if~~ if ~~all of the following apply:~~

- (1) The architectural, engineering, or surveying services to be rendered are under an open-end design ~~agreement;~~ agreement.
- (2) The open-end design agreement has been publicly ~~announced;~~ announced.
- (3) The open-end design agreement complies with procedures adopted by the University and approved by the State Building Commission under G.S. 116-31.11(a)(3).

(c) A community college capital improvement project where the estimated expenditure of public money is less than three hundred thousand dollars (\$300,000) is exempt from this Article if all of the following apply:

- (1) The architectural, engineering, or surveying services to be rendered are under an open-end design agreement.

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- (2) The open-end design agreement has been publicly announced.
 (3) The open-end design agreement complies with procedures adopted by the State Board of Community Colleges and approved by the State Building Commission."

SECTION 2. G.S. 143-135.26(12) reads as rewritten:

"§ 143-135.26. Powers and duties of the Commission.

The State Building Commission shall have the following powers and duties with regard to the State's capital facilities development and management program:

- ...
- (12) To adopt rules governing the use of open-end design agreements for State capital improvement projects and community college buildings as defined in subdivision (4) of this section, where the ~~fee-expenditure of public money~~ does not exceed the amount specified in ~~G.S. 143-64.34(b)~~-G.S. 143-64.34(b) or (c).

...."

SECTION 3. As part of the study of the William S. Lee Act and the Job Development Investment Grant Program directed in Section 8 of S.L. 2005-241, the Economic Development Oversight Committee (Committee) shall study the use of reverse auctions for the procurement of professional services, including architectural, engineering, surveying and construction management at risk, or other construction services, by businesses that receive economic development incentives from the State or a local government. The Committee shall consider the advisability of making business incentives contingent upon a business's commitment not to use a reverse auction procurement process. The Economic Development Oversight Committee shall complete the study and submit it to the General Assembly before the beginning of the 2006 Regular Session of the 2005 General Assembly.

SECTION 4. Sections 3 and 4 of this act are effective when this act becomes law. The remainder of this act becomes effective October 1, 2005.

Upon motion of Senator Hoyle, the rules are suspended and the Conference Report is placed on today's Calendar for immediate consideration.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report (46-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 686, AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE LAW ALLOWING SERVICE ANIMALS IN TRAINING TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS.

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H.B. 750, AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS.

H.B. 855, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH STATEWIDE NUTRITION STANDARDS FOR SCHOOL MEALS, A LA CARTE FOODS AND BEVERAGES, AND THE AFTER SCHOOL SNACK PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

H.B. 1029, AN ACT FACILITATING THE ESTABLISHMENT OF LOCAL GOVERNMENT PROGRAMS TO CLEAR STREAMS BY CLARIFYING LOCAL GOVERNMENT LIABILITY FOR SUCH ACTIONS AND TO ALLOW THE VILLAGE OF CLEMMONS AND THE TOWN OF KERNERSVILLE TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS IT MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

H.B. 1115, AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO CHANGE THE DEADLINE FOR FILING A PROTEST FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING PLACES ON ELECTION DAY; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW FOR THE CANCELLATION OF A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR AND CHANGE OTHER RELATED DATES; TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS; TO CLARIFY HOW WINNERS OF ELECTIONS SHALL BE DETERMINED; TO CLARIFY THAT A VOTER WHOSE NAME HAS BEEN REMOVED FROM THE REGISTRATION LIST MAY VOTE UPON AFFIRMING THAT THE VOTER HAS NOT MOVED FROM THE COUNTY; TO PROVIDE FOR THE

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CORRECTION OF AN OMISSION ON THE VOTER REGISTRATION FORM; TO AUTHORIZE PARTICIPATION IN THE 2010 CENSUS REDISTRICTING DATA PROGRAM; AND TO AUTHORIZE BOARDS OF ELECTIONS TO ALLOW KNOWN VOTERS WHOSE VOTES WERE LOST TO RECAST THEIR BALLOTS DURING A TWO-WEEK PERIOD AFTER THE ELECTION.

H.B. 1128, AN ACT TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR "ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT; TO CLARIFY THE DEFINITION OF "CORPORATION"; AND TO PROVIDE TRAINING FOR TREASURERS OF POLITICAL COMMITTEES.

H.B. 1385, AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124.

H.B. 1409, AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND, AND WHETHER IT WILL REASONABLY ASSURE THE DEFENDANT'S APPEARANCE.

H.B. 1527, AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS.

H.B. 1539, AN ACT TO AMEND THE UMSTEAD ACT RELATING TO ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA AND TO CREATE A PANEL TO DETERMINE WHETHER UNIVERSITY ACTIVITIES VIOLATE THE ACT.

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H.B. 1541, AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1078, AN ACT AUTHORIZING THE TOWN OF ANGIER AND THE TOWN OF LAGRANGE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWNS' WEEDED LOT ORDINANCE.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1029 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND ENHANCE THE LAWS RELATING TO DOMESTIC VIOLENCE, TO ENACT LAWS REGARDING DOMESTIC VIOLENCE VICTIMS AND TENANCY, TO CLARIFY THAT THE FAILURE TO FILE A COUNTERCLAIM IN A SMALL CLAIMS ACTION DOES NOT BAR THE CLAIM IN A SEPARATE ACTION AND TO MAKE CHANGES TO LANDLORD TENANT LAW, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the House Committee Substitute bill is placed on today's Calendar for immediate consideration.

Upon motion of Senator Cowell, 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.

WITHDRAWAL FROM COMMITTEE

S.B. 148 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS, referred to the **Appropriations/Base Budget Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it before the Senate for immediate consideration.

Upon motion of Senator Berger of Franklin, the Senate fails to concur in the House Committee Substitute bill (0-44).

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Senator Berger of Franklin offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 148 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 148 earlier today and the motion by Senator Berger of Franklin to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Berger of Franklin, Chair; Senator Cowell and Senator East as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 289 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELECTION OF THE CHATHAM COUNTY BOARD OF EDUCATION FROM THE PRIMARY TO THE GENERAL ELECTION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Calendar for immediate consideration.

Upon motion of Senator Berger of Rockingham, the Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled.

ADDITIONAL SPONSOR

Senator Pittenger requests to be added as a sponsor of previously introduced legislation:

S.B. 976, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA TAXPAYER AND CITIZEN PROTECTION ACT, TO REQUIRE PROOF OF CITIZENSHIP TO REGISTER TO VOTE, AND TO PROVIDE THAT TO RECEIVE CERTAIN PUBLIC BENEFITS, AN APPLICANT FOR PUBLIC ASSISTANCE PROGRAM BENEFITS MUST PROVIDE PROOF THAT THE APPLICANT IS A UNITED STATES CITIZEN OR, IF NOT A UNITED STATES CITIZEN, IS LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL LAW; TO PROVIDE FOR TEMPORARY BENEFITS TO BE PAID IN CASES WHERE

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THE APPLICANT CANNOT PROVIDE PROOF AT THE TIME OF APPLICATION; TO REQUIRE CERTAIN STATE AGENCIES TO COOPERATE WITH LOCAL GOVERNMENTS AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO DEVELOP A SYSTEM FOR VERIFYING LAWFUL PRESENCE IN THE UNITED STATES; TO PROVIDE THAT A PERSON WHO WILLFULLY EMPLOYS AN INDIVIDUAL WHO IS INDIGENT AND IS NOT LAWFULLY PRESENT IN THE UNITED STATES SHALL BE RESPONSIBLE FOR THE COST OF MEDICALLY NECESSARY SERVICES TO THE INDIVIDUAL EMPLOYED; AND TO AUTHORIZE ANY INDIVIDUAL TO FILE A COMPLAINT WITH THE AFFECTED STATE AGENCY FOR ITS FAILURE TO COMPLY WITH THIS ACT.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns at 11:56 P.M. with H.B. 327 (Senate Committee Substitute) remaining on the Calendar, to meet tomorrow, August 24, at 12:15 A.M.

ONE HUNDRED TWENTY-FIRST DAY

Senate Chamber
Wednesday, August 24, 2005

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:

"Proverbs 3:5-6 says 'Trust in the Lord and lean not unto thy own understanding, but in all thy ways, acknowledge him and he shall direct thy path.' David said in Psalms 1:21, 'I will lift my eyes into the hills from whence cometh my help, my help cometh from the Lord that created the heavens and the earth.' Our Father and our Lord and Savior, we come before you this morning with thanksgiving, thanking you for the opportunity of physical life. Thanking you, Father, for the opportunity of a land of freedom and a land of opportunity. As we come together this morning as Senators, as Democrats and Republicans, as we come together to continue to do the business for the people of North Carolina, we pray now that you would touch our hearts and our minds, that we may do what is best for the people of this State. We thank you now for this session, even though there has been differences of opinion and different ideas. Yet we pray this morning that you would bring on one common cause and that is for the betterment of all mankind in this State. We thank you for our leader, Senator Basnight, and our Lieutenant Governor, Beverly Perdue. We thank you for staff and personnel that have been so faithful this session, and we pray now even for our families this morning we have left for so long for the past seven

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months and as we return home let us find everything decent and in order. Bless now each Senator, individually. And Father God, bless us all collectively for it is in thy name, your Son we pray, Amen."

The Chair grants leaves of absence for today to Senator Garwood, Senator Pittenger and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, August 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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. 691, AN ACT AUTHORIZING THE TOWN OF CARRBORO TO LEVY A MOTOR VEHICLE TAX NOT TO EXCEED TWENTY-FIVE DOLLARS AND RELATING TO THE IMPOSITION OF A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION BY THE TOWN OF BLACK MOUNTAIN. (Became law upon ratification, August 23, 2005 - S.L. 2005-306.)

H.B. 1034, AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION. (Became law upon ratification, August 23, 2005 - S.L. 2005-307.)

H.B. 1078, AN ACT AUTHORIZING THE TOWN OF ANGIER AND THE TOWN OF LAGRANGE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWNS' WEEDED LOT ORDINANCE. (Became law upon ratification, August 23, 2005 - S.L. 2005-308.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 590 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS, 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 Calendar for concurrence.

Upon motion of Senator Dorsett, the Senate fails to concur in the House Committee Substitute bill No. 2 (0-45).

Senator Dorsett offers a motion that the Senate appoint conferees, which motion prevails.

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APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 590 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 590 earlier today and the motion by Senator Dorsett to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Dorsett, Chair; Senator Clodfelter; Senator Nesbitt and Senator Soles as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

The Senate recesses at 1:30 A.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 1:40 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Horton.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hagan for the **Appropriations/Base Budget Committee**:

H.B. 320 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING AMENDMENTS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2005, 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, 30381, which changes the title upon concurrence to read **H.B. 320** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2005, is adopted and engrossed.

Upon motion of Senator Dalton, the rules are suspended and the Senate Committee Substitute Bill No. 2 is placed on the Calendar for immediate consideration.

Senator Soles offers Amendment No. 1 which is adopted (45-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second (28-18) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill No. 2.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 24, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 148**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS, and requests conferees, Speaker Black appoints:

Representative Wray, Chair
Representative Kiser, and
Representative L. Allen

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 23, 2005

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. 1130** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

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Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the conference report for S.B. 1130 on August 23, the President orders the bill enrolled and sent to the Governor by special message.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 143, A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRICULTURE AND TOURISM ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS.

Referred to the **Finance Committee**.

S.J.R. 1171 (House Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM HOLLAND THOMAS, FORMER MEMBER OF THE GENERAL ASSEMBLY, ON THE 200TH ANNIVERSARY OF HIS BIRTH, for concurrence in the House Committee Substitute joint resolution.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute Joint Resolution is placed on today's Calendar, for concurrence.

S.B. 911 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION, for concurrence in House Amendments No. 1 and No. 2.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill, as amended, is placed on today's Calendar, for concurrence in House Amendments No. 1 and No. 2.

S.B. 606 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION, 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 Calendar, for concurrence.

H.B. 1415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DENIAL OF A LICENSE OR PERMIT TO PURCHASE A PISTOL OR SURRENDER OF A FIREARM OR PERMIT UNDER G.S. 50B-3.1 SHALL BE REPORTED TO THE STATE BUREAU OF INVESTIGATION TO BE ENTERED INTO AN APPROPRIATE COMPUTERIZED DATABASE THAT IS ACCESSIBLE TO SHERIFFS STATEWIDE.

Referred to the **Judiciary I Committee** and upon a favorable report re-referred to **Appropriations/Base Budget Committee**.

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S.B. 528 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS LOCATED IN AN ENTERPRISE TIER ONE AREA, 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.

S.B. 319 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND CLARIFYING THE PROCEDURES BY WHICH SUBSIDIARY AND AFFILIATE COMPANIES MAY BE LICENSED AS SELF-INSURERS FOR WORKERS COMPENSATION AND TO MAKE OTHER CONFORMING AND TECHNICAL CHANGES TO THE WORKERS COMPENSATION LAWS RESPECTING INDIVIDUAL SELF-INSURERS IN ARTICLE 5 OF CHAPTER 97 OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on today's Calendar, for concurrence.

H.J.R. 1797, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF THE TOWN OF ROXBORO ON THE OCCASION OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN'S INCORPORATION.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 528 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS LOCATED IN AN ENTERPRISE TIER ONE AREA, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Holloman, 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. 319 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND CLARIFYING THE PROCEDURES BY WHICH SUBSIDIARY AND AFFILIATE COMPANIES MAY BE LICENSED AS SELF-INSURERS FOR WORKERS COMPENSATION AND TO MAKE OTHER CONFORMING AND TECHNICAL CHANGES TO THE WORKERS COMPENSATION LAWS RESPECTING INDIVIDUAL SELF-INSURERS IN ARTICLE 5 OF CHAPTER 97 OF THE GENERAL STATUTES, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Clodfelter, 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.

H.J.R. 1797, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF THE TOWN OF ROXBORO ON THE OCCASION OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN'S INCORPORATION, placed earlier on today's Calendar.

The joint resolution passes its second (46-0) and third readings and is ordered enrolled.

S.J.R. 1171 (House Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM HOLLAND THOMAS, FORMER MEMBER OF THE GENERAL ASSEMBLY, ON THE 200TH ANNIVERSARY OF HIS BIRTH, placed earlier on today's Calendar, for concurrence in the House Committee Substitute joint resolution.

Upon motion of Senator Snow, the Senate concurs in the House Committee Substitute joint resolution (46-0) and the resolution is ordered enrolled.

S.B. 911 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION, placed earlier on today's Calendar, for concurrence in House Amendments No. 1 and No. 2.

Upon motion of Senator Hagan, the Senate concurs in House Amendments No. 1 and No. 2 (46-0) and the bill is ordered enrolled and sent to the Governor, by special message.

S.B. 606 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill No. 2 (46-0) and the bill is ordered enrolled and sent to the Governor, by special message.

H.B. 327 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Senator Clodfelter offers Amendment No. 1 which is adopted (36-9).

Senator Hoyle offers Amendment No. 2 which is adopted (44-1).

Senator Smith offers Amendment No. 3 which is adopted (45-0).

Senator Snow offers Amendment No. 4 which fails of adoption (14-32).

Senator Purcell offers Amendment No. 5 as a perfecting amendment to Amendment No. 1. Amendment No. 5 is adopted (45-1).

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The Senate Committee Substitute bill, as amended, passes its second (40-6) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

CONFERENCE REPORT

Senator Berger of Franklin, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 148** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS, 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 148, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS, House Committee Substitute Favorable 7/13/05, Fourth Edition Engrossed 8/23/05, submit the following report:

The Senate and the House agree to the following amendment and the Senate concurs in House Committee Substitute Favorable 7/13/05, Fourth Edition Engrossed 8/23/05, as amended:

on page 2, lines 18-21, by rewriting the lines to read:

"SECTION 2. There is appropriated from the General Fund to the Department of State Treasurer the sum of one hundred thousand dollars (\$100,000) for the 2005-2006 fiscal year to implement the provisions of this act."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 24, 2005.

Conferees for the Senate

Conferees for the
House of Representatives

S/Doug Berger, Chair
S/Janet Cowell
S/Don East

S/Michael Wray, Chair
S/Joe L. Kiser
S/Lucy T. Allen

August 24, 2005

Upon motion of Senator Berger of Franklin, the Conference Report is placed on today's Calendar for immediate consideration.

Upon motion of Senator Berger of Franklin, the Senate adopts the Conference Report (46-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR REVITALIZATION OF HISTORIC MILL FACILITIES.

Referred to the **Finance Committee**.

H.B. 876 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR COMMUNITY COLLEGE CAPITAL OUTLAY PURPOSES.

Referred to the **Finance Committee**.

H.B. 990 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF FARMER FOR PURPOSES OF APPLYING THE SALES AND USE TAX EXEMPTION TO ITEMS SOLD TO FARMERS AND TO EXPAND THE EXEMPTION TO INCLUDE ITEMS SOLD TO LESSORS OF FARMLAND.

Referred to the **Finance Committee**.

H.B. 1413 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL AUTHORITY FOR LOCAL GOVERNMENTS THAT ADMINISTER APPROVED LOCAL ENVIRONMENTAL PROGRAMS AND TO PROVIDE ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO REQUEST THE AUTHORITY TO ADMINISTER ALL OR A PORTION OF CERTAIN ENVIRONMENTAL PROGRAMS.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report re-referred to **Finance Committee**.

S.B. 665 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO CONTRACT DIRECTLY WITH PRIVATE VENDORS TO OPERATE THE COUNTY BILLING SYSTEM FOR MEDICAID CLAIMS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO INCREASE THEIR MEMBERSHIP, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on today's Calendar, for concurrence in House Amendment No. 1.

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S.B. 518 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTES, for concurrence in the House Committee Substitute bill.

The bill is placed on today's Calendar, for concurrence.

S.B. 814 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES, for concurrence in the House Committee Substitute bill.

The bill is placed on today's Calendar, for concurrence.

CALENDAR (*continued*)

S.B. 665 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO CONTRACT DIRECTLY WITH PRIVATE VENDORS TO OPERATE THE COUNTY BILLING SYSTEM FOR MEDICAID CLAIMS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO INCREASE THEIR MEMBERSHIP, placed earlier on today's Calendar, for concurrence in House Amendment No. 1.

Upon motion of Senator Hartsell, the Senate concurs in House Amendment No. 1 (45-0) and the bill is ordered enrolled and sent to the Governor, by special message.

S.B. 518 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTES, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (45-0) and the House Committee Substitute bill is ordered enrolled and sent to the Governor, by special message.

S.B. 814 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (43-1) and the bill is ordered enrolled and sent to the Governor, by special message.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 612** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT

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LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYISTS FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY, 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 612, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYISTS FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY, House Committee Substitute #3 Favorable 8/10/05, Eighth Edition Engrossed 8/11/05, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute #3 Favorable 8/10/05, Eighth Edition Engrossed 8/11/05, as amended:

on page 3, by inserting the following between lines 32 and 33:

"(7a) The term "news medium" means mainstream media providers whose sole purpose is to report events and that does not involve research or advocacy.";

and on page 3, lines 42-44, and page 4, lines 1-4, by deleting those lines and substituting:

"(a) A legislative lobbyist shall file a registration statement with the Secretary of State in a manner prescribed by the Secretary before engaging in any lobbying. It shall be unlawful for a person to lobby without registering unless exempted by this Article. A lobbyist shall file a separate registration statement is required for each lobbyist's principal, principal the lobbyist represents. The registration shall indicate whether it is registration as a legislative lobbyist, executive lobbyist, or both, and a separate registration fee shall be paid for each separate type of registration.";

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and on page 4, lines 36-44, and page 5, lines 1-12, by deleting the lines and substituting:

"Every lobbyist's principal shall pay to the Secretary of State a fee of two hundred dollars (\$200.00). A fee of one hundred dollars (\$100.00) that is due and payable to the Secretary of State by either the lobbyist or the lobbyist's principal at the time of each registration. A separate registration, together with a separate registration fee two hundred dollars (\$200.00) is required for each lobbyist's principal for which a person acts as a lobbyist. Fees so collected shall be deposited in the General Fund of the State. The Secretary of State shall allow fees required under this section to be paid electronically but may not require the fees to be paid electronically. The Secretary of State shall adopt rules providing for the waiver or reduction of the fees required by this section in cases of hardship."

and on page 5, by deleting lines 13-16, and substituting:

""§ 120-47.4. ~~Written authority~~ **Authorization from lobbyist's principal to be filed principal; fee from principal.**

(a) Each legislative lobbyist or principal shall file with the Secretary of State within 10 days after his the legislative lobbyist's registration a written authorization signed by the lobbyist's principal authorizing the lobbyist to represent the principal. to act as such, signed by the lobbyist's principal.

(b) The form of the authorization shall be prescribed by the Secretary of State and shall include the principal's full name, complete address and telephone number, name and title of the official signing for the principal, and the name of each lobbyist registered to represent the principal. The Secretary of State shall make available as soon as practicable the authorization of the lobbyists' principals in an electronic, searchable format.

(c) An amended authorization shall be filed with the Secretary of State no later than 10 days after any change in the information supplied on the previous authorization. Each supplementary authorization shall include a complete statement of the information that has changed.

(d) Except as provided for in subsection (e) of this section, a fee of one hundred dollars (\$100.00) is due and payable to the Secretary of State at the time the principal's first authorization statement is filed each calendar year for a legislative lobbyist. The fee for the legislative lobbyist's authorization shall be seventy-five dollars (\$75.00) if an authorization for the principal to be represented by an executive lobbyist is filed at the same time. No additional fee is due for additional authorizations filed for legislative lobbyists.

(e) The fee in subsection (d) of this section shall be reduced to a total of twenty-five dollars (\$25.00) if the principal had annual revenues in its most recent fiscal year of three hundred thousand dollars (\$300,000) or less and is represented by no more than two different lobbyists. This reduced fee covers authorizations filed for the principal's legislative and executive lobbyists."

and on page 5, lines 28-35, by deleting the lines and substituting:

""§ 120-47.5A. **Exemptions and inclusions for reporting purposes.**

(a) For purposes of G.S. 120-47.6 and G.S. 120-47.7, the following expenditures need not be reported:

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- (1) Gifts between an immediate family member or person who is the stepchild, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, or members of the household of the covered person or legislative employee.
- (2) Lawful campaign contributions.
- (3) Commercially available loans made on terms not more favorable than generally available to the public in the normal course of business if not made for the purpose of lobbying.
- (4) Contractual arrangements or business relationships or arrangements made in the normal course of business if not made for the purpose of lobbying.
- (5) The cost of attendance or participation provided by the sponsoring entity of lodging, and of food and beverages consumed, at events sponsored by or in conjunction with a civic, charitable, community, or diplomatic event if the activity or event does not last longer than three hours.
- (6) Academic scholarships made on terms not more favorable than scholarships generally available to the public.";

and on page 6, lines 5-7, by deleting the lines and substituting:

"(c) For reporting purposes of G.S. 120-47.6 and G.S. 120-47.7, legislative lobbying with respect to only the legislative actions of the Governor and Lieutenant Governor shall be reported.";

and on page 6, line 35, by deleting the word "amount," and substituting the phrase "fair market value,";

and on page 6, line 36, by inserting the phrase "or beneficiary," after the word "payee";

and on page 7, line 35, by adding the following at the end of the line:

"The Secretary of State shall not impose any penalties or late filing fees upon a legislative lobbyist for subsequent failures to comply with the requirements of this section if the Secretary of State failed to provide to the lobbyist with required notifications of the initial violation. This provision shall not apply to a failure by the lobbyist to file an expenditure report in a timely manner.";

and on page 8, line 27, by deleting the word "amount," and substituting the phrase "fair market value,";

and on page 8, line 27, by inserting the phrase "or beneficiary," after the word "payee";

and on page 9, line 33, by inserting the following at the end of the line:

""The Secretary of State shall not impose any penalties or late filing fees upon a principal for subsequent failures to comply with the requirements of this section

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if the Secretary of State failed to provide to the principal with required notifications of the initial violation. This provision shall not apply to a failure by the principal to file an expenditure report in a timely manner.";

on page 10, lines 9 and 14 by deleting the phrase "60 days" where it appears on those lines, and substituting the phrase "six months" in each place;

and on page 10, line 21, by inserting after the word "lobbyist" the phrase "currently represents or has";

page 11, by deleting lines 41-43, and substituting the following:

"(b) If the person making the expenditure in subsection (a) of this section is outside North Carolina, and the covered person or legislative employee accepting the expenditure is also outside North Carolina at the time the person accepts the expenditure, then the person accepting the expenditure shall be responsible for filing the report using available information.";

and on page 12, line 42 by inserting subsection "(a)" before the word "The";

and on page 13, by inserting the following between lines 2 and 3:

"(b) The Secretary of State shall adopt rules to protect from disclosure all confidential information under Chapter 132 related to economic development initiatives or to industrial or business recruitment activities. The information shall remain confidential until the State, a unit of local government or the business has announced a commitment by the business to expand or locate a specific project in this State or a final decision not to do so and the business has communicated that commitment or decision to the State or local government agency involved with the project."

and on page 13, line 13, by inserting the following at the end of the line and before the quotation mark:

The registration and authorization fees required under G.S. 120-47.3 and G.S. 120-47.4 shall not apply to legislative liaison personnel or the State department or constituent institution that employs the legislative liaison personnel. ";

and on page 13, by deleting lines 23-24, and substituting the following:

"regulation, executive order, resolution, or other quasi-legislative action by";

and on page 13, by deleting lines 29-33, and substituting the following:

"(2) The term "executive branch officers" means the Governor, any member of the Council of State, the heads of those departments listed in G.S. 143B-6, and members of the Board of Governors of The University of North Carolina.";

and on page 14, line 6, by inserting before the period the following:

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"through direct communication or activities with an executive branch officer";

and on page 14, by inserting the following between lines 33 and 34:

"(8a) The term "news medium" means mainstream media providers whose sole purpose is to report events and that does not involve research or advocacy.";

and on page 14, lines 38-44, by deleting the lines and substituting the following:

"(a) An executive lobbyist shall file a registration statement with the Secretary of State in a manner prescribed by the Secretary before engaging in any lobbying. It shall be unlawful for a person to lobby without registering unless exempted by this Article. A lobbyist shall file a separate registration statement for each principal the lobbyist represents. The registration shall indicate whether it is registration as a legislative lobbyist, executive lobbyist, or both, and a separate registration fee shall be paid for each separate type of registration.";

and on page 15, lines 17-41, by deleting the lines and substituting the following:

"§ 147-54.33. Registration fee.

A fee of one hundred dollars (\$100.00) is due and payable to the Secretary of State by either the lobbyist or the lobbyist's principal at the time of each registration. Fees so collected shall be deposited in the General Fund of the State. The Secretary of State shall allow fees required under this section to be paid electronically, but may not require the fees to be paid electronically. The Secretary of State shall adopt rules providing for the waiver or reduction of the fees required by this section in cases of hardship. The Secretary of State shall also adopt rules providing for the waiver or reduction of the fees required by this section in cases of hardship.

"§ 147-54.34. Authorization from lobbyist's principal; fee from principal.

(a) Each executive lobbyist or principal shall file with the Secretary of State within 10 days after the executive lobbyist's registration a written authorization signed by the lobbyist's principal authorizing the lobbyist to represent the principal.

(b) The form of the authorization shall be prescribed by the Secretary of State and shall include the principal's full name, complete address and telephone number, name and title of the official signing for the principal, and the name of each lobbyist registered to represent the principal. The Secretary of State shall make available as soon as practicable the authorization of the lobbyists' principals in an electronic, searchable format.

(c) An amended authorization shall be filed with the Secretary of State no later than 10 days after any change in the information supplied on the previous authorization. Each supplementary authorization shall include a complete statement of the information that has changed.

(d) Except as provided for in subsection (e) of this section, a fee of one hundred dollars (\$100.00) is due and payable to the Secretary of State at the

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time the principal's first authorization statement is filed each calendar year for an executive lobbyist. The fee for the executive lobbyist's authorization shall be seventy-five dollars (\$75.00) if an authorization for the principal to be represented by a legislative lobbyist is filed at the same time. No additional fee is due for additional authorizations filed for executive lobbyists.

(e) The fee in subsection (d) of this section shall be reduced to a total of twenty-five dollars (\$25.00) if the principal had annual revenues in its most recent fiscal year of three hundred thousand dollars (\$300,000) or less and is represented by no more than two different lobbyists. This reduced fee covers authorizations filed for the principal's legislative and executive lobbyists."

and on page 16, lines 9-13, by deleting the lines and substituting the following:

(a) For purposes of G.S. 147-54.37 and G.S. 147-54.38, the following expenditures need not be reported:

- (1) Gifts between an immediate family member or person who is the stepchild, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, or members of the household of the executive branch officer.
- (2) Lawful campaign contributions.
- (3) Commercially available loans made on terms not more favorable than generally available to the public in the normal course of business if not made for the purpose of lobbying.
- (4) Contractual arrangements or business relationships or arrangements made in the normal course of business if not made for the purpose of lobbying.
- (5) The cost of attendance or participation provided by the sponsoring entity of lodging, and of food and beverages consumed, at events sponsored by or in conjunction with a civic, charitable, community, or diplomatic event if the activity or event does not last longer than three hours.
- (6) Academic scholarships made on terms not more favorable than scholarships generally available to the public.";

and on page 16, lines 25-27, by deleting the lines and substituting the following:

"(c) For reporting purposes of G.S. 147-54.37 and G.S. 147-54.38, executive lobbying with respect to only the executive actions of the Governor and Lieutenant Governor shall be reported.";

and on page 16, line 35, by deleting the word "amount", and substituting the phrase "fair market value";

and on page 16, line 36, by inserting the phrase "or beneficiary," after the word "payee";

and on page 17, line 29, by inserting the following at the end of the line:

""The Secretary of State shall not impose any penalties or late filing fees upon

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an executive lobbyist for subsequent failures to comply with the requirements of this section if the Secretary of State failed to provide to the executive lobbyist with required notifications of the initial violation. This provision shall not apply to a failure by the lobbyist to file an expenditure report in a timely manner.";

and on page 17, line 37, by deleting the word "amount," and substituting the phrase "fair market value,";

and on page 17, line 38, by inserting the phrase "or beneficiary," after the word "payee";

and on page 18, line 30 , by inserting the following at the end of the line:

"The Secretary of State shall not impose any penalties or late filing fees upon a principal for subsequent failures to comply with the requirements of this section if the Secretary of State failed to provide to the principal with required notifications of the initial violation. This provision shall not apply to a failure by the principal to file an expenditure report in a timely manner.";

and on page 19, line 10, by inserting the following after the word "body":
"whose membership includes one or more executive branch officers";

and on page 19, line 36, by deleting the word "six", and substituting "nine";

and on page 19, by inserting the following between lines 38 and 39:

"(10) A person appearing before an executive branch agency or department or an executive branch officer on behalf of another person or entity in connection with an application for a grant, loan, determination or eligibility, or certification.";

and on page 20, by deleting lines 4-6, and substituting the following:

"(b) If the person making the expenditure in subsection (a) of this section is outside North Carolina, and the executive branch officer accepting the expenditure is also outside North Carolina at the time the person accepts the expenditure, then the person accepting the expenditure shall be responsible for filing the report using available information.";

and on page 20, by inserting the following between lines 28 and 29:

"(6) Gifts accepted by an executive branch officer in the name of or on behalf of the State.";

and on page 21, by deleting lines 7-10 and substituting the following:

"(b) The Secretary of State shall adopt rules to protect from disclosure all confidential information under Chapter 132 related to economic development initiatives or to industrial or business recruitment activities. The information shall remain confidential until the State, a unit of local government or the business has announced a commitment by the business to expand or locate a specific project in this State or a final decision not to do so and the business has communicated that commitment or decision to the State or local government agency involved with the project."

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The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 24, 2005.

Conferees for the Senate

Conferees for the
House of Representatives

S/Tony Rand, Chair
S/Tom Apodaca
S/Vernon Malone

S/Joe Hackney, Chair
S/Grier Martin
S/Deborah Ross
S/Ray Rapp
S/Paul Stam
S/Dale Folwell

Upon motion of Senator Rand, the Conference Report is placed on today's Calendar for immediate consideration upon adoption.

Upon motion of Senator Rand, the Senate adopts the Conference Report (46-0).
The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 208, AN ACT AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA OCCUPATIONAL THERAPY PRACTICE ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE FEE FOR A LIMITED PERMIT.

S.B. 393, AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES.

S.B. 505, AN ACT TO INCREASE THE FEE PAID TO LOCAL MEDICAL EXAMINERS FOR EACH INVESTIGATION CONDUCTED.

S.B. 506, AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH PUBLIC LAW 107-260, THE BENIGN BRAIN TUMOR CANCER REGISTRIES AMENDMENT.

S.B. 711, AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO ACCEPT, IN ADDITION TO EXAMINATIONS CONDUCTED BY THE BOARD, THE RESULTS OF OTHER BOARD-APPROVED REGIONAL OR NATIONAL INDEPENDENT

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THIRD-PARTY CLINICAL EXAMINATIONS OF APPLICANTS SEEKING A LICENSE TO PRACTICE DENTISTRY; AND AUTHORIZING THE BOARD TO ACQUIRE REAL PROPERTY.

S.B. 895, AN ACT TO CLARIFY REAL ESTATE BROKERS DUTIES RELATED TO REAL ESTATE TRUST MONIES.

S.B. 1013, AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO COST RECOVERY UNDER THE LAWS REGULATING GENERAL CONTRACTORS.

S.B. 1029, AN ACT TO CLARIFY AND ENHANCE THE LAWS RELATING TO DOMESTIC VIOLENCE, TO ENACT LAWS REGARDING DOMESTIC VIOLENCE VICTIMS AND TENANCY, TO CLARIFY THAT THE FAILURE TO FILE A COUNTERCLAIM IN A SMALL CLAIMS ACTION DOES NOT BAR THE CLAIM IN A SEPARATE ACTION AND TO MAKE CHANGES TO LANDLORD TENANT LAW.

H.B. 99, AN ACT TO AMEND THE WORKERS' COMPENSATION ACT AND TO CREATE THE STUDY COMMITTEE ON WORKERS' COMPENSATION BENEFITS.

H.B. 768, AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA.

H.B. 1493, AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY.

The Enrolling Clerk reports the following joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 1793, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. BARBARA KINARD PHILLIPS, DISTINGUISHED NORTH CAROLINIAN. (Res. 53)

H.J.R. 1796, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF MELISSA BARTLETT, SHIRLEY EAST HARRIS, AND HOWARD N. LEE TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION. (Res. 54)

CONFERENCE REPORT

Senator Swindell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1076** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL, 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 1076, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL, Senate Education/Higher Education Committee Substitute Adopted 8/12/05, Fourth Edition, submit the following report:

The House concurs in the Senate Education/Higher Education Committee Substitute Adopted 8/12/05, Fourth Edition, with the following amendment:
On page 2, line 26 by rewriting that line to read:

"student achievement and shall report to the Joint Legislative Education Oversight Committee by April 15, 2006 to determine if any changes are necessary to improve the implementation of successful alternative learning programs and alternative schools.";

on page 4, lines 38-44 by deleting those lines; and

on page 5, line 1 by deleting the words "**SECTION 7.**" and substituting the words "**SECTION 6.**";

And the Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 24, 2005.

Conferees for the Senate

Conferees for the
House of Representatives

S/Senator A. B. Swindell IV, Chair
S/Senator Julia Boseman
Senator John Garwood
S/Senator Vernon Malone

S/Representative Thomas Wright, Chair
S/Representative Marvin W. Lucas
S/Representative Jean R. Preston

August 24, 2005

Upon motion of Senator Swindell the Conference Report is placed on today's Calendar for immediate consideration upon adoption.

Upon motion of Senator Swindell, the Senate adopts the Conference Report (45-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 24, 2005

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 2 for **S.B. 590**, A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS, and requests conferees,

Speaker Black appoints:

Representative Ross, Chair
Representative Adams
Representative Crawford
Representative Hill
Representative Stam
Representative Goodwin, and
Representative Moore

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 24, 2005

August 24, 2005

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. 148** (Conference Report), A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS.

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

Pursuant to the Senate having adopted the Conference Report for S.B. 148 earlier today, the President orders the bill enrolled and sent to the Governor by special message.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 88 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED OF A NEW POLITICAL PARTY AND OF A STATEWIDE UNAFFILIATED CANDIDATE TO ACHIEVE BALLOT ELIGIBILITY; TO REDUCE THE NUMBER OF VOTES A NEW POLITICAL PARTY MUST GAIN FOR A NOMINEE IN ORDER TO MAINTAIN BALLOT ELIGIBILITY; TO MOVE TO A DATE BEFORE THE POLITICAL PARTY PRIMARIES THE DEADLINES FOR FILING NEW POLITICAL PARTY PETITIONS AND NOMINATING NEW POLITICAL PARTY CANDIDATES; TO EXTEND FILING FEE PROVISIONS TO NEW PARTY AND UNAFFILIATED CANDIDATES; AND TO PROVIDE THAT A CANDIDATE WHO RAN IN A PARTY PRIMARY FOR AN OFFICE IS NOT ELIGIBLE FOR NOMINATION BY ANOTHER PARTY TO FILL A VACANCY IN ITS NOMINATION FOR THE SAME OFFICE IN THE SAME YEAR.

Referred to the **Judiciary I Committee**.

H.B. 716 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON THE STATE EMPLOYEE GRIEVANCE PROCESS AND TO SET A TIME LIMIT FOR THE OFFICE OF ADMINISTRATIVE HEARINGS IN DISPOSING OF CONTESTED CASES UNDER G.S. 126-34.1.

Referred to the **Judiciary II Committee**.

August 24, 2005

H.B. 1231 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT UNMARRIED SPOUSES OF DECEASED RETIRED HIGHWAY PATROLMEN TO OBTAIN RETIRED HIGHWAY PATROL SPECIAL REGISTRATION PLATES.

Referred to the **Finance Committee**.

H.J.R. 1799, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

Referred to the **Education/Higher Education Committee**.

S.B. 443 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Calendar, for concurrence.

S.B. 868 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND TO ALLOW FOR A REFUND OF EXCISE TAX ON UNSALABLE CIGARS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on today's Calendar, for concurrence.

CONFERENCE REPORT

Senator Dorsett, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 590** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS, 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 590, A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS, House Committee Substitute #2 Favorable 8/23/05, Sixth Edition Engrossed 8/23/05, submit the following report:

The Senate and House agree to the following amendment and the Senate concurs in the House Committee Substitute #2 Favorable 8/23/05, Sixth Edition Engrossed 8/23/05, as amended:

August 24, 2005

On page 2, lines 3-4 by rewriting those lines to read:

"(6) An attorney-at-law licensed to practice in this State who is not employed by a debt adjuster."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 24, 2005.

Conferees for the Senate

S/Katie G. Dorsett, Chair
S/R.C. Soles, Jr.
S/Daniel G. Clodfelter
S/Martin L. Nesbitt, Jr.

Conferees for the
House of Representatives

S/Deborah K. Ross, Chair
S/Alma Adams
S/James W. Crawford, Jr.
S/Dewey L. Hill
S/Paul Stam
S/Melanie Wade Goodwin
S/Tim Moore

Upon motion of Senator Dorsett the Conference Report is placed on today's Calendar for immediate consideration.

Upon motion of Senator Dorsett, the Senate adopts the Conference Report (43-2).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (*continued*)

S.B. 443 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Boseman, the Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor, by special message.

The Senate recesses at 4:14 A.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 4:17 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

August 24, 2005

CALENDAR *(continued)*

S.B. 868 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND TO ALLOW FOR A REFUND OF EXCISE TAX ON UNSALABLE CIGARS, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Berger of Franklin, the Senate concurs in the House Committee Substitute bill No. 2 (42-3) and the measure is ordered enrolled and sent to the Governor, by special message.

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. 1723 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS, 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 60549, which changes the title upon concurrence to read **H.B. 1723** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES, AND OTHER COMMISSIONS, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

H.B. 1723 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES, AND OTHER COMMISSIONS, placed earlier on today's Calendar.

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.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 24, 2005

August 24, 2005

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. 612** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYISTS FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY.

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

Pursuant to the Senate having adopted the Conference Report for S.B. 612 earlier today, the bill 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
August 24, 2005

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. 576** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO STUDY THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION SERVICES BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO WHICH THE SERVICES ARE REQUIRED.

August 24, 2005

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

WITHDRAWAL FROM COMMITTEE

H.B. 413 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY OF WHAT HIGH SCHOOL GRADUATES NEED TO KNOW IN A RAPIDLY CHANGING AND COMPLEX GLOBAL SOCIETY AND ECONOMY, referred to the **Education/Higher Education Committee** on May 11.

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**.

WITHDRAWAL FROM COMMITTEE

H.J.R. 1799, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, referred to the **Education/Higher Education Committee** on August 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Education/Higher Education Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Education/Higher Education Committee** and places it before the Senate for immediate consideration.

The House Joint Resolution passes its second (44-0) and third readings and is ordered enrolled.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 1799, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES. (Res. 55)

August 24, 2005

**ELECTION OF MEMBER TO THE STATE BOARD OF
COMMUNITY COLLEGES**

Pursuant to a report received from the **Education/Higher Education Committee** on August 22, and pursuant to Senator Rand's withdrawal of Mr. John Q. Shaw, Jr. on August 23, the Committee places in nomination the name of Nancy Margulies Brenner for a six-year term on the State Board of Community Colleges effective July 1, 2005, and ending June 30, 2011.

Senator Lucas is recognized and outlines the procedures to be followed and announces that pursuant to G.S. 115D-2.1(b)(4)f., no further nominations shall be received.

The President orders the Reading Clerk to call the roll and directs the Members to vote "aye" or "no" for Ms. Brenner.

Members voting for Ms. Brenner are as follows: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, and Weinstein.

Those voting against Ms. Brenner are as follows: None.

In compliance with G.S. 115-2.1(b)(4)f., the election of Nancy Margulies Brenner to the State Board of Community Colleges for a six-year term beginning July 1, 2005, and expiring June 30, 2011, is confirmed by an electronically recorded vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: None.

The President declares Nancy Margulies Brenner elected to the State Board of Community Colleges for a six-year term, effective July 1, 2005, and ending June 30, 2011.

The President orders a message sent to the House of Representatives.

The Senate recesses at 4:50 A.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 4:52 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

August 24, 2005

S.B. 804, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING AN ACCREDITATION SYSTEM FOR LOCAL HEALTH DEPARTMENTS, AS RECOMMENDED BY THE PUBLIC HEALTH TASK FORCE 2004, AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, for concurrence in House Amendment No. 1.

The bill is placed on today's Calendar, for concurrence in House Amendment No. 1.

S.B. 671 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO REPEAL CHAPTER 10A OF THE GENERAL STATUTES REGARDING THE REGULATION OF NOTARIES PUBLIC, AND TO ENACT CHAPTER 10B RELATING TO NOTARIES, for concurrence in the House Committee Substitute bill No. 3.

The House Committee Substitute bill No. 3 is placed on today's Calendar, for concurrence.

CALENDAR (*continued*)

S.B. 804, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING AN ACCREDITATION SYSTEM FOR LOCAL HEALTH DEPARTMENTS, AS RECOMMENDED BY THE PUBLIC HEALTH TASK FORCE 2004, placed earlier on today's Calendar, for concurrence in House Amendment No. 1.

Upon motion of Senator Hartsell, the Senate concurs in House Amendment No. 1 (43-0) and the bill is ordered enrolled and sent to the Governor, by special message.

S.B. 671 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO REPEAL CHAPTER 10A OF THE GENERAL STATUTES REGARDING THE REGULATION OF NOTARIES PUBLIC, AND TO ENACT CHAPTER 10B RELATING TO NOTARIES, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill No. 3.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill No. 3 (45-0) and the bill 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
August 24, 2005

August 24, 2005

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. 1076** (Conference Report), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL.

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

The Senate recesses at 6:13 A.M. for the purpose of a Judiciary I Committee meeting to reconvene at 6:18 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE OUTER LOOP AROUND CHARLOTTE TO BE COMPLETED BEFORE ANY EXPANSION LANES MAY BE CONSTRUCTED, 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 PCS60550, which changes the title upon concurrence to read **H.B. 248** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF SERVICE SALES, BUT SHALL BE STORED AND SOLD BEHIND A PHARMACY COUNTER; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION

August 24, 2005

BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF CERTAIN PSEUDOEPHEDRINE PRODUCTS; TO AUTHORIZE THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADD OR DELETE SPECIFIC PSEUDOEPHEDRINE PRODUCTS FROM THE REQUIREMENTS OF THE ARTICLE, OR MODIFY SECURITY AND STORAGE MEASURES APPLICABLE TO SPECIFIC PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO CREATE THE LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90 95(B)(1A) OR G.S. 90 95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Calendar for immediate consideration.

The Senate Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

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. 413 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY OF WHAT HIGH SCHOOL GRADUATES NEED TO KNOW IN A RAPIDLY CHANGING AND COMPLEX GLOBAL SOCIETY AND ECONOMY, 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 30382, which changes the title upon concurrence to read **H.B. 413** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES, AND OTHER COMMISSIONS, is adopted and engrossed.

August 24, 2005

The Senate Committee Substitute bill is placed on today's Calendar for immediate consideration.

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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1330 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE OF LASER CLINICIANS AND LASER CLINICIAN INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE LICENSURES.

Referred to the **Health Care Committee**, and upon a favorable report re-referred to the **Finance Committee**.

The Senate recesses at 6:27 A.M. to reconvene at 6:00 P.M. subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 148, AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS.

S.B. 290, AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT.

S.B. 319, AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND CLARIFYING THE PROCEDURES BY WHICH SUBSIDIARY AND AFFILIATE COMPANIES MAY BE LICENSED AS SELF-INSURERS FOR WORKERS COMPENSATION AND TO MAKE OTHER CONFORMING AND TECHNICAL CHANGES TO THE WORKERS COMPENSATION LAWS RESPECTING INDIVIDUAL SELF-INSURERS IN ARTICLE 5 OF CHAPTER 97 OF THE GENERAL STATUTES.

S.B. 356, AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY PUMPER TRUCKS AND SWEEPERS.

August 24, 2005

S.B. 443, AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS.

S.B. 518, AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTES.

S.B. 528, AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS LOCATED IN AN ENTERPRISE TIER ONE AREA.

S.B. 606, AN ACT TO AMEND THE POWERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION.

S.B. 612, AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYISTS FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY.

S.B. 665, AN ACT TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO CONTRACT DIRECTLY WITH PRIVATE VENDORS TO OPERATE THE COUNTY BILLING SYSTEM FOR MEDICAID CLAIMS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO INCREASE THEIR MEMBERSHIP.

S.B. 671, AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO REPEAL CHAPTER 10A OF THE GENERAL STATUTES REGARDING THE REGULATION OF NOTARIES PUBLIC, AND TO ENACT CHAPTER 10B RELATING TO NOTARIES.

S.B. 725, AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD.

S.B. 804, AN ACT TO IMPROVE THE PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING AN ACCREDITATION SYSTEM FOR LOCAL HEALTH DEPARTMENTS, AS RECOMMENDED BY THE PUBLIC HEALTH TASK FORCE 2004.

S.B. 814, AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES.

August 24, 2005

S.B. 868, AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND TO ALLOW FOR A REFUND OF EXCISE TAX ON UNSALABLE CIGARS.

S.B. 911, AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION.

S.B. 1130, AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS.

S.B. 1149, AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO EXTEND AND EXPAND THE CREDIT FOR INVESTMENT IN RENEWABLE ENERGY PROPERTY.

H.B. 105, AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AND TO ALLOW INTERSTATE PASSENGER AIR CARRIERS A REFUND OF SALES AND USE TAXES ON FUEL.

H.B. 576, AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO STUDY THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION SERVICES BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO WHICH THE SERVICES ARE REQUIRED.

H.B. 650, AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES, TO CLARIFY THE PROCEDURE FOR ASSIGNING COMPLEX BUSINESS CASES, TO AUTHORIZE A LARGER FEE FOR COMPLEX BUSINESS CASES, AND TO CHANGE THE DATE DISTRICT COURT JUDGES TAKE OFFICE.

H.B. 1095, AN ACT TO ESTABLISH UNIFORM CRITERIA FOR DRINKING WATER, WASTEWATER, AND STORMWATER LOANS AND GRANTS, TO CLARIFY AND REVISE THE PROCEDURES THAT APPLY TO THESE LOANS AND GRANTS TO REFLECT THE EXHAUSTION OF THE 1998 CLEAN WATER BOND PROCEEDS, AND TO PROVIDE FOR GREATER COORDINATION AMONG AGENCIES THAT MAKE LOANS AND GRANTS FOR WATER PROJECTS BY ESTABLISHING THE WATER INFRASTRUCTURE COMMISSION.

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H.B. 1349, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE ITS LICENSURE AND REGISTRATION FEES AND ESTABLISH CERTAIN NEW FEES AND MAKING CERTAIN CHANGES TO THE CONDITIONS OF LICENSE RENEWAL UNDER THE PHARMACY PRACTICE ACT AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO INCREASE CERTAIN FEES.

The Enrolling Clerk reports the following bill and resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 289, AN ACT TO CHANGE THE ELECTION OF THE CHATHAM COUNTY BOARD OF EDUCATION FROM THE PRIMARY TO THE GENERAL ELECTION.

H.J.R. 1797, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF THE TOWN OF ROXBORO ON THE OCCASION OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN'S INCORPORATION. (Res. 56)

S.J.R. 1171, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM HOLLAND THOMAS, FORMER MEMBER OF THE GENERAL ASSEMBLY, ON THE 200TH ANNIVERSARY OF HIS BIRTH. (Res. 57)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 24, 2005

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. 590** (Conference Report), A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

August 24, 2005

Pursuant to the Senate having adopted the Conference Report for S.B. 590 earlier today, the President orders the bill enrolled and sent to the Governor by special message.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Upon motion of Senator Stevens, seconded by Senator Malone, the Senate adjourns at 6:06 P.M. to meet Friday, August 26, at 11:00 A.M.

ONE HUNDRED TWENTY-SECOND DAY

Senate Chamber
Friday, August 26, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Janet Pruitt, Senate Principal Clerk, who presides in the absence of the Lieutenant Governor.

Prayer is offered by E. Wayne White, Staff Member in the Senate Principal Clerk's office, as follows:

"O God, let fear die and conviction be born in our lives. Let Your light dawn in our minds as the day dawns on the earth. Let us not be so busy hurrying into the future and worrying about the past that we lose today, the only one we have. God, help us do what we know we have to do today, and leave tomorrow to You. Amen."

Written by Marian Wright Edelman.

Senator Hunt announces that the Journal of Wednesday, August 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.

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. 289, AN ACT TO CHANGE THE ELECTION OF THE CHATHAM COUNTY BOARD OF EDUCATION FROM THE PRIMARY TO THE GENERAL ELECTION. (Became law upon ratification, August 24, 2005 - S.L. 2005-309.)

H.B. 813, AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ENACT ORDINANCES TO RESTRICT OR PROHIBIT SOLICITATION ON

August 26, 2005

STATE HIGHWAYS. (Became law upon approval of the Governor, August 25, 2005 - S.L. 2005-310.)

H.B. 490, AN ACT TO AMEND THE LAW WITH REGARD TO MAKING A FALSE REPORT CONCERNING A DESTRUCTIVE DEVICE. (Became law upon approval of the Governor, August 25, 2005 - S.L. 2005-311.)

H.B. 35, AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES. (Became law upon approval of the Governor, August 25, 2005 - S.L. 2005-312.)

H.B. 116, AN ACT TO CLARIFY PRESENT-USE VALUE ELIGIBILITY, TO AMEND THE PERIOD FOR APPEAL OF A PRESENT-USE VALUE DETERMINATION OR APPRAISAL, TO MODIFY THE TAX YEAR FOR MOTOR VEHICLES THAT ARE TO BE SWITCHED FROM AN ANNUAL SYSTEM OF REGISTRATION TO A STAGGERED SYSTEM EFFECTIVE JANUARY 1, 2006, AND TO APPLY THE SAME PENALTY THAT CURRENTLY APPLIES TO PAYMENTS BY CHECK TO PROPERTY TAX PAYMENTS MADE BY ELECTRONIC PAYMENTS. (Became law upon approval of the Governor, August 25, 2005 - S.L. 2005-313.)

H.B. 62, AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL. (Became law upon approval of the Governor, August 25, 2005 - S.L. 2005-314.)

H.B. 485, AN ACT TO AUTHORIZE AN EXISTING CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM. (Became law upon approval of the Governor, August 25, 2005 - S.L. 2005-315.)

H.B. 237, AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY ALLOWING REGISTRATION OF LIMITED LOAN OFFICERS OF DEFINED AFFILIATED MORTGAGE BANKERS AND TO ESTABLISH ADDITIONAL SUPERVISION AND ENFORCEMENT AUTHORITY FOR THE COMMISSIONER OF BANKS. (Became law upon approval of the Governor, August 25, 2005 - S.L. 2005-316.)

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H.B. 182, 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 25, 2005 - S.L. 2005-317.)

H.B. 779, AN ACT TO INCREASE THE PENALTY FOR AIDING AND ABETTING A STUDENT'S UNLAWFUL ABSENCE FROM SCHOOL. (Became law upon approval of the Governor, August 25, 2005 - S.L. 2005-318.)

H.B. 1328, AN ACT TO PROVIDE FOR THE EXPUNCTION OF OFFICIAL RECORDS WHEN A PERSON IS GRANTED A PARDON OF INNOCENCE. (Became law upon approval of the Governor, August 25, 2005 - S.L. 2005-319.)

H.B. 801, AN ACT TO ESTABLISH A PROCEDURE TO RESOLVE THE ISSUE OF CONFLICTING CHILD CUSTODY ORDERS; TO CLARIFY THE EFFECT OF TERMINATING JURISDICTION IN CERTAIN JUVENILE CASES; TO GIVE THE COURT AUTHORITY TO CONVERT A JUVENILE COURT CUSTODY ORDER INTO A PERMANENT CUSTODY ORDER UNDER CHAPTER 50 OF THE GENERAL STATUTES; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW. (Became law upon approval of the Governor, August 25, 2005 - S.L. 2005-320.)

S.B. 1124, AN ACT TO IMPOSE A PENALTY FOR BREACHING THE CONFIDENTIALITY OF SCHOOL EMPLOYEE PERSONNEL FILES. (Became law upon approval of the Governor, August 25, 2005 - S.L. 2005-321.)

Upon motion of Senator Cowell, seconded by Senator Hunt, the Senate adjourns at 11:06 A.M. to meet Monday, August 29, at 1:00 P.M.

ONE HUNDRED TWENTY-THIRD DAY

Senate Chamber
Monday, August 29, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Janet Pruitt, Senate Principal Clerk, who relinquishes the gavel to The Honorable David Weinstein who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"We offer our prayers today, O God, for all those who face the devastation caused by Hurricane Katrina. As North Carolinians, we know all too well the

August 29, 2005

feelings and hardships associated with such a storm. May our experiences of sympathy make us more earnestly pray in behalf of our neighbors in Florida, Mississippi, and Louisiana and others affected by the path of this storm. In Your name we pray, Amen."

Senator Hunt announces that the Journal of Friday, August 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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. 1202, AN ACT TO CLARIFY ALTERNATIVE REPRESENTATION OF METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-322.)

S.B. 223, AN ACT TO RESTORE PUBLIC CONFIDENCE IN THE ELECTION PROCESS BY REQUIRING THAT THE STATE BOARD OF ELECTIONS, THROUGH THE DEVELOPMENT OF A REQUEST FOR PROPOSAL, ENSURE THAT ALL VOTING SYSTEMS GENERATE EITHER A PAPER BALLOT OR A PAPER RECORD BY WHICH VOTERS MAY VERIFY THEIR VOTES BEFORE CASTING THEM AND WHICH PROVIDES A BACKUP MEANS OF COUNTING THE VOTE THAT THE VOTER CASTS; BY PROVIDING STATUTORY GUIDANCE AS TO COUNTING; BY STANDARDIZING PURCHASING OF VOTING SYSTEMS IN NORTH CAROLINA, INCLUDING A REVIEW OF SOURCE CODE FOR SOFTWARE RELATED TO THOSE VOTING SYSTEMS AND AUTHORIZATION TO ESTABLISH THE ROLE OF THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS RELATED TO TRAINING AND SUPPORT OF VOTING SYSTEMS; BY REQUIRING POSTELECTION TESTING OF VOTING SYSTEMS, INCLUDING A PAPER SAMPLE-COUNT; BY EXPANDING THE RIGHT TO A HAND-TO-EYE RECOUNT OF PAPER BALLOTS; AND BY PERMITTING A PILOT PROGRAM TO EXPERIMENT WITH NONPAPER MEANS OF VOTER VERIFICATION AND BALLOT BACKUP. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-323.)

H.B. 1775, 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 26, 2005 - S.L. 2005-324.)

S.B. 740, AN ACT TO AMEND THE CERTIFICATE OF NEED LAWS BY REQUIRING A CERTIFICATE OF NEED BEFORE OFFERING

August 29, 2005

CARDIAC CATHETERIZATION SERVICES, EXCEPT WHEN DOING SO PURSUANT TO A SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, REQUIRING HEALTH MAINTENANCE ORGANIZATIONS AND LONG-TERM CARE HOSPITALS TO OBTAIN A CERTIFICATE OF NEED, REQUIRING A CERTIFICATE OF NEED TO PURCHASE CERTAIN EQUIPMENT USED IN CANCER TREATMENT, REQUIRING A CERTIFICATE OF NEED FOR NEW HOSPICE OFFICES AFTER DECEMBER 31, 2005, CHANGING WHO ARE AFFECTED PERSONS ENTITLED TO APPEAL A CERTIFICATE OF NEED DECISION, AUTHORIZING THE FURNISHING OF CARDIAC CATHETERIZATION EQUIPMENT OR SERVICES PURSUANT TO SETTLEMENT AGREEMENTS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MAKING OTHER TECHNICAL CHANGES. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-325.)

S.B. 682, AN ACT TO EXTEND TO PUBLIC HEALTH AUTHORITIES, SANITARY DISTRICTS, AND METROPOLITAN SEWERAGE DISTRICTS THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-326.)

S.B. 974, AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT CERTAIN UNIVERSITY FACILITIES AND CERTAIN COUNTY FACILITIES, AND AUTHORIZE ALCOHOLIC BEVERAGES TO BE MADE AVAILABLE BY SELF-SERVICE IN SUITES OF MAJOR LEAGUE SPORTS FACILITIES. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-327.)

H.B. 1217, AN ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-328.)

S.B. 428, AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNAUTHORIZED USE OF A LASER DEVICE TOWARDS AN AIRCRAFT. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-329.)

H.B. 1271, AN ACT TO AMEND CERTAIN LAWS PERTAINING TO AUCTIONS AND AUCTIONEERS. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-330.)

H.B. 1266, AN ACT TO INCREASE THE AMOUNT THE DEPARTMENT OF TRANSPORTATION WILL PAY AS RELOCATION ASSISTANCE FOR REASONABLE EXPENSES FOR SEARCHING FOR A REPLACEMENT BUSINESS OR FARM, AS REQUIRED BY FEDERAL REGULATION. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-331.)

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S.B. 856, AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO TRIAL PREPARATION MATERIAL. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-332.)

H.B. 1394, AN ACT TO ALLOW THE PARENTS OF AN INCOMPETENT ADULT WHO IS NOT MARRIED TO RECOMMEND A GUARDIAN FOR THAT ADULT BY WILL OR OTHER DOCUMENT. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-333.)

H.B. 1485, AN ACT TO PROVIDE THAT SEARCH WARRANTS MAY BE OBTAINED BY AUDIO/VIDEO TRANSMISSIONS. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-334.)

H.B. 1390, AN ACT TO MAKE THE LAW GOVERNING THE COMMERCIAL TRANSPORTATION OF ALCOHOLIC BEVERAGES CONSISTENT WITH THE LAW GOVERNING THE AMOUNTS OF ALCOHOLIC BEVERAGES THAT MAY BE PURCHASED WITHOUT A PERMIT. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-335.)

H.B. 1416, AN ACT TO MAKE TOWNS OR CITIES WHERE A RAILROAD PASSENGER TERMINUS EXISTS ELIGIBLE TO HOLD MALT BEVERAGE PERMIT ELECTIONS. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-336.)

H.B. 1401, AN ACT TO AMEND THE CIRCUMSTANCES UNDER WHICH FEDERAL LAW ENFORCEMENT OFFICERS AND SWORN LAW ENFORCEMENT OFFICERS MAY CARRY CONCEALED WEAPONS. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-337.)

H.B. 1411, AN ACT TO UPDATE THE CAP FOR THE AMOUNT FINANCED THAT FALLS WITHIN THE MEANING OF A CONSUMER CREDIT SALE IN ORDER TO REFLECT THE INCREASE IN THE COST OF CONSUMER GOODS AND SERVICES DUE TO INFLATION. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-338.)

H.B. 1145, AN ACT TO PROVIDE THAT PROBATION IS STAYED DURING AN APPEAL FOR A TRIAL DE NOVO FROM A JUDGMENT ENTERED BY A MAGISTRATE OR DISTRICT COURT JUDGE. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-339.)

H.B. 1389, AN ACT TO AMEND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-340.)

H.B. 1279, AN ACT TO AMEND THE SPEEDING TO ELUDE ARREST STATUTES TO CLARIFY THE PROXIMATE CAUSE REQUIREMENT WHEN THE OFFENSE RESULTS IN DEATH. (Became law upon approval of the Governor, August 26, 2005 - S.L. 2005-341.)

August 29, 2005

Upon motion of Senator Stevens, seconded by Senator Cowell, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet tomorrow, August 30, at 11:00 A.M.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 590, AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS.

H.B. 1060, AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL LAW; AND RELATING TO REGULATION OF GASTROINTESTINAL ENDOSCOPY ROOMS IN LICENSED HEALTH SERVICE FACILITIES.

H.B. 1076, AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL.

H.B. 1207, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, TO MAKE TECHNICAL CHANGES TO VARIOUS TERMS, AND TO AMEND THE APPOINTMENT OF THE MEMBERSHIP OF THE EDENTON HISTORICAL COMMISSION.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 1030, AN ACT TO CLARIFY THE POWERS OF THE BRUNSWICK AIRPORT COMMISSION AND TO AUTHORIZE LOCAL AIRPORT AUTHORITIES TO BORROW MONEY. (Became law upon approval of the Governor, August 27, 2005 - S.L. 2005-342.)

H.B. 1311, AN ACT ALLOWING DOMESTIC VIOLENCE VICTIMS TO APPLY FOR A TEMPORARY CONCEALED HANDGUN PERMIT UPON SHOWING PROOF OF A PROTECTIVE ORDER ISSUED UNDER CHAPTER 50B OF THE GENERAL STATUTES AS EVIDENCE OF AN EMERGENCY SITUATION IN ORDER TO EMPOWER DOMESTIC VIOLENCE VICTIMS TO PROTECT THEMSELVES AND THEIR FAMILIES. (Became law upon approval of the Governor, August 27, 2005 - S.L. 2005-343.)

August 29, 2005

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 386 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING CABARRUS COUNTY TO CHANGE THE BOUNDARIES OF FIRE DISTRICTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, August 30, for concurrence.

Pursuant to Senator Stevens' motion to adjourn having prevailed, the Senate adjourns at 5:38 P.M.

ONE HUNDRED TWENTY-FOURTH DAY

Senate Chamber
Tuesday, August 30, 2005

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, Robert Frost made famous the line, 'Good fences make good neighbors.' We're grateful that during this Legislative Session no fences were built too high to see over or without a gate through which the neighbors could walk. Guide them in the remaining legislation that is to be considered. Dear God, we continue to pray for the people whose lives have been dramatically changed by Hurricane Katrina. On the day after such a devastating storm, when struck by the reality of their changed lives, comfort and encourage your people. Amen."

The Chair grants leaves of absence for today to Senator Brown and Senator Garwood.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, August 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

August 30, 2005

H.B. 320, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2005.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 29, 2005

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. 327**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, and requests conferees.

Speaker Black has appointed:

Representative Culpepper

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1117 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Calendar for concurrence.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

August 30, 2005

S.B. 386 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING CABARRUS COUNTY TO CHANGE THE BOUNDARIES OF FIRE DISTRICTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman and Webster—47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 1117 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor by special message.

The Senate recesses at 1:25 P.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 1:26 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 as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee**:

H.B. 577 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE, 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 50506, which changes the title upon concurrence to read **H.B. 577** (Senate Committee

August 30, 2005

Substitute), A BILL TO BE ENTITLED AN ACT REPEALING AN ERRONEOUSLY ENACTED LAW, 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 *(continued)*

H.B. 577 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING AN ERRONEOUSLY ENACTED LAW, placed earlier on today's Calendar.

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.

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. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE LOTTERY TO SUPPORT SCHOOL CONSTRUCTION, TO FUND COLLEGE AND UNIVERSITY SCHOLARSHIPS, AND TO GENERATE FUNDS TO FURTHER THE GOAL OF PROVIDING ENHANCED EDUCATIONAL OPPORTUNITIES SO THAT ALL STUDENTS IN THE PUBLIC SCHOOLS CAN ACHIEVE THEIR FULL POTENTIAL, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE LOTTERY, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

H.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE LOTTERY TO SUPPORT SCHOOL CONSTRUCTION, TO FUND COLLEGE AND UNIVERSITY SCHOLARSHIPS, AND TO GENERATE FUNDS TO FURTHER THE GOAL OF PROVIDING ENHANCED EDUCATIONAL OPPORTUNITIES SO THAT ALL STUDENTS IN THE PUBLIC SCHOOLS CAN ACHIEVE THEIR FULL POTENTIAL, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE LOTTERY, placed earlier on today's Calendar.

Senator Forrester speaks to a point of order as to whether or not H.B. 1023 is legally before the Senate based on Article II, Section 23 of the North Carolina Constitution and submits to the President that the committee substitute bill be returned to the House of Representatives for a correct vote on third reading.

The President rules that the committee substitute bill is clearly and properly before the Senate.

August 30, 2005

Senator Forrester offers a motion to appeal the President's ruling to not return H.B. 1023 (Committee Substitute) to the House of Representatives and calls for the ayes and noes. The President states that aye votes will sustain the chair's ruling. The motion prevails (29-19) as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Swindell, Thomas and Weinstein—29.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, East, Forrester, Goodall, Hartsell, Horton, Hunt, Jacumin, Pittenger, Presnell, Smith, Stevens, Tillman and Webster—19.

Senator Berger of Rockingham offers a motion to appeal the President's ruling on the previous suspension of the Rules to place H.B. 1023 (Committee Substitute) on today's Calendar for third reading and calls for the ayes and noes. The motion fails (19-29) as follows:

Voting in the affirmative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, East, Forrester, Goodall, Hartsell, Horton, Hunt, Jacumin, Pittenger, Presnell, Smith, Stevens, Tillman and Webster—19.

Voting in the negative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Swindell, Thomas and Weinstein—29.

Senator Berger of Rockingham offers a motion that H.B. 1023 (Committee Substitute) be postponed until May 9, 2006, which motion fails (21-27).

Senator Rand calls the previous question on the Committee Substitute bill for H.B. 1023, seconded by Senator Dannelly. The call of the previous question prevails (28-20).

Upon a tied vote on second reading (24-24), the President of the Senate votes aye and the Committee Substitute bill passes its second (25-24) and third readings and is ordered enrolled sent to the Governor by special message.

CONFERENCE REPORT

Senator Albertson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1134** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, TO DETERMINE WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO DEVELOP A RECOMMENDED GOAL, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

August 30, 2005

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1134, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE AND TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON ECONOMY, TO DETERMINE WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO DEVELOP A RECOMMENDED GOAL, House Committee Substitute Favorable 6/29/05, Fifth Edition Engrossed 7/7/05, submit the following report:

The Senate and the House of Representatives agree to the following amendment to House Committee Substitute Favorable 6/29/05, Fifth Edition Engrossed 7/7/05, and the Senate concurs in the House Committee Substitute as amended:
Delete the entire House Committee Substitute Favorable 6/29/05, Fifth Edition Engrossed 7/7/05, and substitute the attached Proposed Conference Committee Substitute S1134-PCCS15268-RT-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: 29 August 2005.

Conferees for the Senate

S/Senator Charles W. Albertson, Chair
S/Senator Janet Cowell
S/Senator Daniel G. Clodfelter
S/Senator Jerry W. Tillman

Conferees for the
House of Representatives

S/Representative Alice G.
Underhill, Chair
S/Representative Becky Carney
S/Representative Joe Hackney
Representative Phillip R. Haire
S/Representative Jim Harrell, III
S/Representative Bonner L. Stiller

With unanimous consent, upon motion of Senator Albertson, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

CALENDAR (*continued*)

S.B. 1134 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE; TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING, THE EMERGING CARBON ECONOMY, AND WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL;

August 30, 2005

AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO AUTHORIZE THE COMMISSION TO DEVELOP A RECOMMENDED GOAL, placed earlier on today's calendar for adoption.

Upon motion of Senator Albertson, the Senate adopts the Conference Report (42-4).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Cowell, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet tomorrow, August 31, at 10:00 A.M.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 1117, AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT.

H.B. 1023, AN ACT TO ESTABLISH A STATE LOTTERY TO SUPPORT SCHOOL CONSTRUCTION, TO FUND COLLEGE AND UNIVERSITY SCHOLARSHIPS, AND TO GENERATE FUNDS TO FURTHER THE GOAL OF PROVIDING ENHANCED EDUCATIONAL OPPORTUNITIES SO THAT ALL STUDENTS IN THE PUBLIC SCHOOLS CAN ACHIEVE THEIR FULL POTENTIAL, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE LOTTERY.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 575 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING A COMPENSATION BONUS OF ONE HUNDRED FIFTY DOLLARS FOR THE 2005-2006 FISCAL YEAR TO CERTAIN STATE EMPLOYEES EARNING LESS THAN FIFTY THOUSAND DOLLARS PER YEAR.

Referred to the **Appropriations/Base Budget Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 30, 2005

August 30, 2005

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. 1134** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE; TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING, THE EMERGING CARBON ECONOMY, AND WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL; AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO AUTHORIZE THE COMMISSION TO DEVELOP A RECOMMENDED GOAL.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 1134 earlier today, the President orders the bill enrolled and sent to the Governor by special message.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:38 P.M.

ONE HUNDRED TWENTY-FIFTH DAY

Senate Chamber
Wednesday, August 31, 2005

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, no doubt this Legislative Session will be remembered because the lottery was passed into law. But I have heard similar, more passionate debate by the Senators on bills that garnered no press at all, quiet bills that will impact many for good. So we pray that in the end, duty is ours, but we also pray events are yours, O God. Amen."

August 31, 2005

The Chair grants a leave of absence for today to Senator Garwood.

Senator Cowell announces that the Journal of yesterday, August 30, has been examined and is found to be correct. Upon her motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 998, AN ACT TO IMPLEMENT A PROVISION OF THE COASTAL HABITAT PROTECTION PLAN BY PROVIDING FOR GREATER FLEXIBILITY IN THE USE OF FUNDS FROM THE RIPARIAN BUFFER RESTORATION FUND TO CONSTRUCT ALTERNATIVE MEASURES TO REDUCE NUTRIENT LOADING AND BY PROVIDING THAT IF A LAND-DISTURBING ACTIVITY LEAVES AN EXPOSED SLOPE, THE SLOPE SHALL BE PLANTED WITH TEMPORARY OR PERMANENT GROUND COVER WITHIN TWENTY-ONE CALENDAR DAYS.

S.B. 1134, AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE; TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING, THE EMERGING CARBON ECONOMY, AND WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL; AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO AUTHORIZE THE COMMISSION TO DEVELOP A RECOMMENDED GOAL.

Upon motion of Senator Malone, seconded by Senator Kinnaird, the Senate adjourns at 10:32 A.M. subject to receipt of messages from the House of Representatives, to meet Friday, September 2, at 10:00 A.M.

ONE HUNDRED TWENTY-SIXTH DAY

Senate Chamber
Friday, September 2, 2005

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by E. Wayne White, Staff Member in the Senate Principal Clerk's office, as follows:

September 2, 2005

"The Lord is my pace-setter, I shall not rush. He makes me stop and rest for quiet intervals. He provides me with images of stillness, which restore my serenity. He leads me in ways of efficiency through calmness of mind and His guidance is peace. Even though I have a great many things to accomplish each day, I will not fret, for His presence is here. His timelessness, his all-importance will keep me in balance. He prepares refreshment and renewal in the midst of my activity by anointing my mind with His oils of tranquility. Amen."

From '*All Saints Convent*,' Cantonville, Maryland.

The Chair grants a leave of absence for today to Senator Garwood.

Senator Stevens announces that the Journal of Wednesday, August 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.J.R. 1184 (House Committee Substitute), A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2005 GENERAL ASSEMBLY TO MEET IN 2006 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, for concurrence in the House Committee Substitute joint resolution.

The House Committee Substitute joint resolution is placed on the Calendar for today for immediate consideration.

The Senate concurs in the House Committee Substitute joint resolution and the measure is ordered enrolled.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 248, AN ACT TO PROVIDE THAT CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE STORED AND SOLD BEHIND A PHARMACY COUNTER; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF CERTAIN PSEUDOEPHEDRINE PRODUCTS; TO AUTHORIZE THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADD OR DELETE SPECIFIC PSEUDOEPHEDRINE PRODUCTS FROM

September 2, 2005

THE REQUIREMENTS OF THE ARTICLE, OR MODIFY SECURITY AND STORAGE MEASURES APPLICABLE TO SPECIFIC PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO CREATE THE LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS.

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. 1184, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2005 GENERAL ASSEMBLY TO MEET IN 2006 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION. (Res. 58)

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. 1023, AN ACT TO ESTABLISH A STATE LOTTERY TO SUPPORT SCHOOL CONSTRUCTION, TO FUND COLLEGE AND UNIVERSITY SCHOLARSHIPS, AND TO GENERATE FUNDS TO FURTHER THE GOAL OF PROVIDING ENHANCED EDUCATIONAL OPPORTUNITIES SO THAT ALL STUDENTS IN THE PUBLIC SCHOOLS CAN ACHIEVE THEIR FULL POTENTIAL, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE LOTTERY. (Became law upon approval of the Governor, August 31, 2005 - S.L. 2005-344.)

H.B. 320, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2005. (Became law upon approval of the Governor, August 31, 2005 - S.L. 2005-345.)

H.B. 1060, AN ACT TO CHANGE THE DEFINITION OF "CRITICAL ACCESS HOSPITAL" TO CONFORM TO FEDERAL LAW; AND RELATING TO REGULATION OF GASTROINTESTINAL ENDOSCOPY ROOMS IN LICENSED HEALTH SERVICE FACILITIES. (Became law upon approval of the Governor, August 31, 2005 - S.L. 2005-346.)

September 2, 2005

Upon motion of Senator Malone, seconded by Senator Kinnaird, the Senate adjourns at 10:14 A.M., pursuant to **S.J.R. 1184** (House Committee Substitute), A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2005 GENERAL ASSEMBLY TO MEET IN 2006 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, to meet Tuesday, May 9, 2006, at 12:00 Noon.

BEVERLY E. PERDUE
President of the Senate

JANET B. PRUITT
Principal Clerk

ONE HUNDRED TWENTY-SEVENTH DAY
2005 Session Reconvened

Senate Chamber
State Capitol
Wednesday, October 12, 2005

In accordance with law, as set forth in the Constitution of the State of North Carolina and pursuant to the Proclamation issued by the Governor, The Honorable Michael F. Easley, on October 10, 2005, the Senate of the 2005 Session of the 2005 General Assembly reconvenes at the hour of 10:00 A.M. in the Senate Chamber in the State Capitol in the City of Raleigh.

The President of the Senate, The Honorable Beverly E. Perdue, calls the Senate to order.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, since the Legislature adjourned, parts of our Country and the world including our State have been hit hard by natural disasters. Before we begin today's business in the Senate, we pray for all the people who are in the process of starting their lives all over again. We know that your presence is there with the victims O God, but we are also so grateful for the people of North Carolina and thousands of disaster relief volunteers who have been a presence, offering food, clean water, shower facilities and sometimes just a shoulder to cry on. The work in the Senate has always given energy and purpose when we remember the great people who reside in our State. Amen."

October 12, 2005

The Chair grants a leave of absence for today to Senator Forrester.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Friday, September 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.

PROCLAMATION FROM THE GOVERNOR

The Honorable Beverly E. Perdue, Lieutenant Governor instructs the Reading Clerk to read the Proclamation issued by Governor Michael F. Easley, on October 10, 2005, as follows:

PROCLAMATION OF RECONVENED SESSION

Pursuant to the authority vested in the Governor by Article III, Section 5 (11) of the Constitution of North Carolina, and as required by Article II, Section 22 (7) the General Assembly shall reconvene on **Wednesday, October 12, 2005, at 10:00 a.m.** to reconsider House Bill 706 which was vetoed on September 29, 2005.

Done in Raleigh, North Carolina, on October 10, 2005.

(Seal)

S/ Michael F. Easley
Governor

The Chair orders a special message sent to the House of Representatives informing that Honorable Body that the Senate is organized and is ready to proceed with the public business of the State.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
October 12, 2005

Madame President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives is organized and is now ready to proceed with the public business of the State.

Respectfully,
S/Denise G. Weeks
Principal Clerk

October 12, 2005

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1801, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

ENROLLED BILLS AND RESOLUTIONS

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. 1801, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION. (Res. 59)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
October 12, 2005

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 pursuant to **H.J.R. 1801**, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION.

Respectfully,
S/Denise Weeks
Principal Clerk

Upon motion of Senator Dannelly, seconded by Senator Dorsett, the Senate adjourns at 10:55 A.M. pursuant to **H.J.R. 1801**, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION, to meet Tuesday, May 9, 2006, at 12:00 Noon.

BEVERLY E. PERDUE
President of the Senate

JANET B. PRUITT
Principal Clerk

October 12, 2005

ADDENDUM

SENATE JOURNAL

FIRST SESSION

2005



EDITOR'S NOTES

A number of bills and resolutions passed second reading and were read a third time on the same day.

Rule 50 states:

No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

- (1) when a member moves that the Rule be suspended and this motion prevails by at least a two-thirds vote of the membership of the Senate present and voting, or
- (2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time and remains before the Senate for further consideration.

The phrase "without objection" appears throughout the Senate Journal. Upon a motion offered, this reflects a determination by the Chair that there is no objection from a member present, which constitutes unanimous consent, for the order of the Chair.

When a bill passes its second reading and remains on the Calendar for further consideration, unless indicated otherwise the measure is placed on the Calendar for the next legislative day in its regular order of business.

Rule 20(2) of the House of Representatives requires that "*all measures affecting a fee imposed by the State or any subdivision thereof*" are classified roll-call measures for the purpose of spreading the ayes and noes on the Journal. Though the Senate Rules do not require the same, the Rule of the House of Representatives is honored and the measures are considered as roll-call measures, unless ruled otherwise by the Presiding Officer.

The Presiding Officer of the Senate rules in a number of instances that "*the bill does not require a call of the roll*" or "*requires a call of the roll.*" The ruling is made pursuant to the following citation which reads:

North Carolina Constitution—Article II

Sec. 23.—Revenue bills. No laws shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

The numerical figures which appear within parentheses throughout the Senate Journal represent the affirmative and negative votes cast and recorded electronically, pursuant to Rule 25. Copies of the vote print-out are on file in the Legislative Library and the original is deposited in the Division of Archives and History of the Department of Cultural Resources.

Janet B. Pruitt
Principal Clerk

CHAPTERED BILLS

The following bills were properly enrolled, reviewed and approved by the Governor as indicated, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State after the 2005 Session adjourned on September 2:

H.B. 766, AN ACT TO ENHANCE LAWS RELATED TO THE PASSENGER TRAMWAY SAFETY ACT OF NORTH CAROLINA. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-347.)

H.B. 1518, AN ACT TO REQUIRE HOLDERS OF CERTAIN ABC PERMITS TO RECYCLE ALL RECYCLABLE CONTAINERS OF ALL BEVERAGES SOLD AT RETAIL ON THE PREMISES AND TO PROHIBIT THE DISPOSAL OF THOSE CONTAINERS IN LANDFILLS OR BY INCINERATION. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-348.)

H.B. 670, AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES IN ORDER TO COMPLY WITH FEDERAL LAW. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-349.)

H.B. 1500, AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND PROVIDE FOR THE ISSUANCE OF WINE SHOP PERMITS, TO AMEND LAWS CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS, WINE DISTRIBUTION AGREEMENTS AND BEER FRANCHISE AGREEMENTS, AND TO PROVIDE FOR THE BIOMETRIC IDENTIFICATION OF PURCHASERS OF ALCOHOL AND TOBACCO PRODUCTS. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-350.)

H.B. 967, AN ACT TO PROVIDE THAT IF A VALIDLY EXECUTED HEALTH CARE POWER OF ATTORNEY AUTHORIZES THE HEALTH CARE AGENT TO EXERCISE RIGHTS WITH RESPECT TO ANATOMICAL GIFTS, AUTOPSY, OR DISPOSITION OF THE PRINCIPAL'S REMAINS, THE AUTHORIZING PROVISION WILL CONTINUE IN EFFECT AFTER THE DEATH OF THE PRINCIPAL FOR PURPOSES OF EXERCISING THE AUTHORIZED RIGHTS, TO DEFINE "DISPOSITION OF REMAINS", AND TO MAKE CONFORMING CHANGES. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-351.)

H.B. 891, AN ACT TO REGULATE THE POSSESSION OF MOTOR VEHICLE MASTER KEYS AND OTHER MOTOR VEHICLE LOCK-PICKING DEVICES. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-352.)

H.B. 1318, AN ACT TO CLARIFY THE LAWS REGARDING EQUITABLE DISTRIBUTION BY REQUIRING THE COURT TO CONSIDER EVIDENCE RELATING TO BUILT-IN TAXES AND OTHER TAX CONSEQUENCES OF THE PARTIES TO A DIVORCE ACTION IN DETERMINING EQUITABLE DISTRIBUTION. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-353.)

H.B. 665, AN ACT TO AMEND THE LAWS GOVERNING HOUSEMOVERS. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-354.)

H.B. 1491, AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE LIABILITY INSURANCE FOR SCHOOL SOCIAL WORKERS WHO TRANSPORT STUDENTS. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-355.)

H.B. 569, AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC VIOLENCE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-356.)

H.B. 1404, AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS TO SERVE PROCESS AND REVOCATION ORDERS FOR THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-357.)

S.B. 737, AN ACT AUTHORIZING CRIMINAL RECORD CHECKS FOR COUNTY GOVERNMENTS. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-358.)

H.B. 1086, AN ACT REVISING THE JURISDICTION OF THE GENERAL ASSEMBLY POLICE AND THE OATH OF OFFICE TO REFLECT THAT CHANGE, AND TO MAKE A TECHNICAL AMENDMENT. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-359.)

H.B. 829, AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL FLAGS. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-360.)

H.B. 669, AN ACT TO AMEND THE LAW CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-361.)

H.B. 1465, AN ACT TO PROHIBIT THE DISPOSAL OF MOTOR VEHICLE OIL FILTERS, RIGID PLASTIC CONTAINERS, WOODEN PALLETS, AND OYSTER SHELLS IN LANDFILLS. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-362.)

H.B. 890, AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A CRIME LABORATORY OPERATED BY A LOCAL GOVERNMENT. (Became law upon approval of the Governor, September 7, 2005 - S.L. 2005-363.)

S.B. 606, AN ACT TO AMEND THE POWERS OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION AND TO CHANGE THE NAME OF THE GLOBAL TRANSPARK DEVELOPMENT ZONE TO NORTH CAROLINA'S EASTERN REGION. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-364.)

H.B. 1385, AN ACT TO MAKE CLARIFYING AND CONFORMING AMENDMENTS TO G.S. 143-215.94E, WHICH GOVERNS THE RIGHTS AND OBLIGATIONS OF OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS AND TO REMOVE THE SUNSET APPLICABLE TO, AMEND, AND CODIFY SECTION 10 OF S.L. 2003-352, AS AMENDED BY SUBSECTION (E) OF SECTION 30.10 OF S.L. 2004-124. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-365.)

S.B. 711, AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO ACCEPT, IN ADDITION TO EXAMINATIONS CONDUCTED BY THE BOARD, THE RESULTS OF OTHER BOARD-APPROVED REGIONAL OR NATIONAL INDEPENDENT THIRD-PARTY CLINICAL EXAMINATIONS OF APPLICANTS SEEKING A LICENSE TO PRACTICE DENTISTRY; AND AUTHORIZING THE BOARD TO ACQUIRE REAL PROPERTY. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-366.)

S.B. 796, AN ACT TO PROVIDE FOR CRIMINAL RECORD CHECKS OF APPLICANTS FOR PERMITS AND LICENSES TO CONDUCT ARCHAEOLOGICAL OPERATIONS AND INVESTIGATIONS. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-367.)

S.B. 505, AN ACT TO INCREASE THE FEE PAID TO LOCAL MEDICAL EXAMINERS FOR EACH INVESTIGATION CONDUCTED. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-368.)

S.B. 804, AN ACT TO IMPROVE THE PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING AN ACCREDITATION SYSTEM FOR LOCAL HEALTH DEPARTMENTS, AS RECOMMENDED BY THE PUBLIC HEALTH TASK FORCE 2004. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-369.)

H.B. 576, AN ACT TO SIMPLIFY THE BID PROCESS FOR SMALL COMMUNITY COLLEGE CAPITAL IMPROVEMENT PROJECTS AND TO STUDY THE USE OF REVERSE AUCTIONS FOR THE PROCUREMENT

OF ARCHITECTURAL, ENGINEERING, SURVEYING, CONSTRUCTION MANAGEMENT AT-RISK, OR CONSTRUCTION SERVICES BY A PRIVATE ENTITY THAT HAS RECEIVED PUBLIC MONEY AS AN INCENTIVE TO COMPLETE THE PROJECT WITH RESPECT TO WHICH THE SERVICES ARE REQUIRED. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-370.)

H.B. 1112, AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A CENTRAL LISTING OF MENTAL HEALTH FACILITIES DESIGNATED TO ASSIST IN THE PLACEMENT OF INDIVIDUALS TO BE INVOLUNTARILY COMMITTED AND REQUIRE AREA AUTHORITIES TO MAINTAIN A CRISIS RESPONSE SERVICE. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-371.)

S.B. 1130, AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-372.)

S.B. 506, AN ACT TO BRING NORTH CAROLINA LAW INTO COMPLIANCE WITH PUBLIC LAW 107-260, THE BENIGN BRAIN TUMOR CANCER REGISTRIES AMENDMENT. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-373.)

S.B. 895, AN ACT TO CLARIFY REAL ESTATE BROKERS DUTIES RELATED TO REAL ESTATE TRUST MONIES. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-374.)

H.B. 1409, AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND, AND WHETHER IT WILL REASONABLY ASSURE THE DEFENDANT'S APPEARANCE. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-375.)

S.B. 148, AN ACT TO EXTEND THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFIT TO PERMANENT PART-TIME AND TEMPORARY LAW ENFORCEMENT OFFICERS AND DETENTION OFFICERS. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-376.)

S.B. 356, AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY PUMPER TRUCKS AND SWEEPERS. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-377.)

H.B. 613, AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF RECREATIONAL THERAPY. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-378.)

H.B. 1357, AN ACT AUTHORIZING THE ACUPUNCTURE LICENSING BOARD TO EMPLOY CERTAIN PROFESSIONAL ADVISORS; TO CLARIFY QUALIFICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL, AND INACTIVE, SUSPENDED, EXPIRED, AND LAPSED LICENSES; TO CLARIFY CONTINUING EDUCATION; AND TO INCREASE AND ESTABLISH CERTAIN FEES. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-379.)

H.B. 1429, AN ACT TO PROVIDE FOR RECIPROCITY BY ELIMINATING THE APPLICATION FEE FOR A WINE SHIPPER PERMIT, TO CLARIFY THE LAW CONCERNING SPLIT-CASE FEES, AND TO TRANSFER THE NORTH CAROLINA GRAPE GROWERS COUNCIL TO THE DEPARTMENT OF COMMERCE. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-380.)

S.B. 1013, AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO INCREASE FEES AND AMENDING CERTAIN PROVISIONS RELATING TO COST RECOVERY UNDER THE LAWS REGULATING GENERAL CONTRACTORS. (Became law upon approval of the Governor, September 8, 2005 - S.L. 2005-381.)

H.B. 747, AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS AND TO REQUIRE ANNUAL WORK PLANS FOR MAINTENANCE OF STATE STREETS AND HIGHWAYS WITHIN MUNICIPALITIES AND TO MODIFY THE AUTHORIZATION GIVEN FOR THE CONTRACT OF THE HERBERT C. BONNER REPLACEMENT BRIDGE PROJECT AT OREGON INLET. (Became law upon approval of the Governor, September 13, 2005 - S.L. 2005-382.)

H.B. 1085, AN ACT TO REQUIRE A DEFENDANT ARRESTED FOR USING DOGS FOR FIGHTING TO POST A DEPOSIT TO THE ANIMAL SHELTER TO PAY FOR THE DOGS' KEEP DURING THE PERIOD PRIOR TO ADJUDICATION OF THE CHARGES. (Became law upon approval of the Governor, September 13, 2005 - S.L. 2005-383.)

H.B. 1136, AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES. (Became law upon approval of the Governor, September 13, 2005 - S.L. 2005-384.)

H.B. 1468, AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE CERTAIN TELECOMMUNICATION SERVICE PROVIDERS TO BE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS. (Became law upon approval of the Governor, September 13, 2005 - S.L. 2005-385.)

H.B. 1096, AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) CHANGE THE NAME OF THE WETLANDS RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND; (4) AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC; (5) AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; (6) PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION; (7) MAKE CLARIFYING AMENDMENTS TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973; (8) CHANGE THE NAME OF THE AIR QUALITY COMPLIANCE ADVISORY PANEL TO THE SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL; AND (9) PROVIDE EXEMPTIONS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS FOR CERTAIN PERSONS AND CERTAIN ACTIVITIES. (Became law upon approval of the Governor, September 13, 2005- S.L. 2005-386.)

H.B. 1316, AN ACT ADOPTING THE FRASER FIR AS THE OFFICIAL CHRISTMAS TREE OF THE STATE OF NORTH CAROLINA AND THE SOUTHERN APPALACHIAN BROOK TROUT AS THE OFFICIAL FRESHWATER TROUT OF NORTH CAROLINA. (Became law upon approval of the Governor, September 13, 2005 - S.L. 2005-387.)

H.B. 561, AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES. (Became law upon approval of the Governor, September 13, 2005 - S.L. 2005-388.)

H.B. 1375, AN ACT AMENDING THE LAWS RELATING TO CHILD SUPPORT ENFORCEMENT IN ORDER TO CLARIFY AND ENHANCE THOSE LAWS. (Became law upon approval of the Governor, September 13, 2005 - S.L. 2005-389.)

H.B. 607, AN ACT TO RENAME THE FARMLAND PRESERVATION ENABLING ACT AND FARMLAND PRESERVATION TRUST FUND AS THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION ENABLING ACT AND THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND AND TO AMEND THE ACT TO ESTABLISH A CATEGORY OF ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS THAT OFFERS ADDITIONAL BENEFITS FOR FARMLAND WHEN THE OWNER OF THE

FARMLAND IS WILLING TO ENTER INTO AN IRREVOCABLE CONSERVATION AGREEMENT FOR AT LEAST TEN YEARS AND TO CREATE AN AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE. (Became law upon approval of the Governor, September 13, 2005 - S.L. 2005-390.)

S.B. 671, AN ACT TO ENACT THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO REPEAL CHAPTER 10A OF THE GENERAL STATUTES REGARDING THE REGULATION OF NOTARIES PUBLIC, AND TO ENACT CHAPTER 10B RELATING TO NOTARIES. (Became law upon approval of the Governor, September 13, 2005 - S.L. 2005-391.)

H.B. 1174, AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS REGARDING THE ISSUANCE AND REVOCATION OF PERMITS AT LOCATIONS THAT ARE OR BECOME UNSUITABLE TO HOLD ABC PERMITS. (Became law upon approval of the Governor, September 13, 2005 - S.L. 2005-392.)

H.B. 1543, AN ACT TO PROVIDE THAT PHOTOGRAPHS AND VIDEO OR AUDIO RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT PUBLIC RECORDS AND TO ALLOW FOR LIMITED ACCESS TO RECORDED IMAGES OF AN AUTOPSY BY THE PUBLIC. (Became law upon approval of the Governor, September 13, 2005 - S.L. 2005-393.)

H.B. 1169, AN ACT TO AUTHORIZE THE INVESTMENT OF STATE AND LOCAL FUNDS IN NORTH CAROLINA FINANCIAL INSTITUTIONS. (Became law upon approval of the Governor, September 14, 2005 - S.L. 2005-394.)

H.B. 1284, AN ACT TO IMPROVE THE REAL ESTATE LICENSING LAW. (Became law upon approval of the Governor, September 14, 2005 - S.L. 2005-395.)

S.B. 327, AN ACT TO MAKE CHANGES TO THE STATUTES REGARDING THE NORTH CAROLINA STATE BAR AND TO PROVIDE THE STATE BAR WITH EXPLICIT STATUTORY AUTHORITY TO IMPOSE FEES TO SUPPORT ITS WORK. (Became law upon approval of the Governor, September 14, 2005 - S.L. 2005-396.)

H.B. 1539, AN ACT TO AMEND THE UMSTEAD ACT RELATING TO ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA AND TO CREATE A PANEL TO DETERMINE WHETHER UNIVERSITY ACTIVITIES VIOLATE THE ACT. (Became law upon approval of the Governor, September 14, 2005 - S.L. 2005-397.)

H.B. 1150, AN ACT TO AMEND THE JUVENILE CODE TO EXPEDITE OUTCOMES FOR CHILDREN AND FAMILIES INVOLVED IN WELFARE CASES AND APPEALS AND TO LIMIT THE APPOINTMENT OF GUARDIANS AD LITEM FOR PARENTS IN ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS. (Became law upon approval of the Governor, September 14, 2005 - S.L. 2005-398.)

H.B. 661, AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR SERIOUS NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST. (Became law upon approval of the Governor, September 14, 2005 - S.L. 2005-399.)

S.B. 319, AN ACT ESTABLISHING THE NORTH CAROLINA SELF-INSURANCE SECURITY SYSTEM AND CLARIFYING THE PROCEDURES BY WHICH SUBSIDIARY AND AFFILIATE COMPANIES MAY BE LICENSED AS SELF-INSURERS FOR WORKERS COMPENSATION AND TO MAKE OTHER CONFORMING AND TECHNICAL CHANGES TO THE WORKERS COMPENSATION LAWS RESPECTING INDIVIDUAL SELF-INSURERS IN ARTICLE 5 OF CHAPTER 97 OF THE GENERAL STATUTES. (Became law upon approval of the Governor, September 14, 2005 - S.L. 2005-400.)

H.B. 1176, AN ACT TO AMEND THE CAP ON PROPERTY OF A JUDGMENT DEBTOR THAT IS FREE OF THE ENFORCEMENT OF THE CLAIMS OF CREDITORS, AND TO EXEMPT CERTAIN TYPES OF PROPERTY FROM ENFORCEMENT. (Became law upon approval of the Governor, September 14, 2005 - S.L. 2005-401.)

H.B. 1349, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE ITS LICENSURE AND REGISTRATION FEES AND ESTABLISH CERTAIN NEW FEES AND MAKING CERTAIN CHANGES TO THE CONDITIONS OF LICENSE RENEWAL UNDER THE PHARMACY PRACTICE ACT AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO INCREASE CERTAIN FEES. (Became law upon approval of the Governor, September 19, 2005 - S.L. 2005-402.)

H.B. 254, AN ACT TO AUTHORIZE THE STATE TREASURER TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION, TO REQUIRE "GARVEE" FUNDS TO BE DISTRIBUTED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO

CLARIFY THE DEFINITION OF GOVERNMENTAL UNIT FOR PURPOSES OF INTEREST RATE SWAP AGREEMENTS. (Became law upon approval of the Governor, September 20, 2005 - S.L. 2005-403.)

H.B. 750 AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS. (Became law upon approval of the Governor, September 20, 2005 - S.L. 2005-404.)

H.B. 1635, AN ACT AMENDING THE LAWS PERTAINING TO DISPLACED HOMEMAKERS AND INCREASING THE FEE WHICH FUNDS THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS. (Became law upon approval of the Governor, September 20, 2005 - S.L. 2005-405.)

S.B. 868, AN ACT TO AMEND THE ENTERPRISE TIER STRUCTURE UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND TO ALLOW FOR A REFUND OF EXCISE TAX ON UNSALABLE CIGARS. (Became law upon approval of the Governor, September 20, 2005 - S.L. 2005-406.)

S.B. 528, AN ACT TO ALLOW A MUNICIPALITY TO USE PROJECT DEVELOPMENT FINANCING FOR TOURISM-RELATED DEVELOPMENT PROJECTS LOCATED IN AN ENTERPRISE TIER ONE AREA. (Became law upon approval of the Governor, September 20, 2005 - S.L. 2005-407.)

S.B. 590, AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS. (Became law upon approval of the Governor, September 20, 2005 - S.L. 2005-408.)

H.B. 1527, AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS. (Became law upon approval of the Governor, September 20, 2005 - S.L. 2005-409.)

S.B. 757, AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA. (Became law upon approval of the Governor, September 20, 2005 - S.L. 2005-410.)

S.B. 290, AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT. (Became law upon approval of the Governor, September 20, 2005 - S.L. 2005-411.)

H.B. 735, AN ACT TO REQUIRE ANNUAL FILING AND ACTUARIAL CERTIFICATION OF RATES FOR INSURERS PROVIDING INDIVIDUAL ACCIDENT AND HEALTH INSURANCE BENEFITS AND TO BETTER PROTECT CONSUMERS FROM THE HARMFUL IMPACT OF BLOCKS OF BUSINESS BEING CLOSED. (Became law upon approval of the Governor, September 20, 2005 - S.L. 2005-412.)

S.B. 1149, AN ACT TO ESTABLISH A BANKING AND SELLING PROGRAM FOR CREDITS ISSUED UNDER THE FEDERAL ENERGY POLICY ACT IN ORDER TO GENERATE FUNDS FOR THE USE OF ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO EXTEND AND EXPAND THE CREDIT FOR INVESTMENT IN RENEWABLE ENERGY PROPERTY. (Became law upon approval of the Governor, September 20, 2005 - S.L. 2005-413.)

S.B. 1048, AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005. (Became law upon approval of the Governor, September 21, 2005 - S.L. 2005-414.)

H.B. 636, AN ACT TO REQUIRE DISCLOSURE OF MARKUPS OF ANATOMIC PATHOLOGY SERVICES BY PHYSICIANS, HOSPITALS, DENTISTS, AND PODIATRISTS. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-415.)

H.B. 1517, AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO CHILD CARE FACILITIES AND TO MAKE IT A CRIMINAL OFFENSE FOR A BABY SITTING SERVICE TO BE OFFERED OR PROVIDED BY A SEX OFFENDER OR TO BE LOCATED IN THE HOME OF A SEX OFFENDER. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-416.)

S.B. 443, AN ACT RELATING TO PUBLIC HOSPITAL INVESTMENTS. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-417.)

S.B. 518, AN ACT TO CLARIFY AND MAKE TECHNICAL CHANGES TO CITY AND COUNTY PLANNING STATUTES. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-418.)

H.B. 1310, AN ACT TO PERMIT STUDENTS TO USE THEIR SAT SCORES OR PRAXIS I SCORES TO QUALIFY FOR ADMISSION TO TEACHER EDUCATION PROGRAMS. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-419.)

S.B. 911, AN ACT TO PROVIDE FOR THE DISTRIBUTION OF UNPAID RESIDUALS IN CLASS ACTION LITIGATION. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-420.)

H.B. 1207, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, TO MAKE TECHNICAL CHANGES TO VARIOUS TERMS, AND TO AMEND THE APPOINTMENT OF THE MEMBERSHIP OF THE EDENTON HISTORICAL COMMISSION. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-421.)

H.B. 1541, AN ACT TO AMEND THE LAWS GOVERNING HOMEOWNER ASSOCIATIONS TO PROVIDE GREATER PROTECTIONS FOR HOMEOWNERS. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-422.)

S.B. 1029, AN ACT TO CLARIFY AND ENHANCE THE LAWS RELATING TO DOMESTIC VIOLENCE, TO ENACT LAWS REGARDING DOMESTIC VIOLENCE VICTIMS AND TENANCY, TO CLARIFY THAT THE FAILURE TO FILE A COUNTERCLAIM IN A SMALL CLAIMS ACTION DOES NOT BAR THE CLAIM IN A SEPARATE ACTION AND TO MAKE CHANGES TO LANDLORD TENANT LAW. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-423.)

H.B. 646, AN ACT TO CONSOLIDATE VARIOUS FEES INTO THE ANNUAL LICENSE CONTINUATION FEE PAID BY LICENSED INSURANCE COMPANIES, AND TO AUTHORIZE THE DEPARTMENT OF INSURANCE TO HIRE A MEDICARE LOOKOUT PROGRAM COORDINATOR WITH FEDERAL GRANT FUNDING. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-424.)

H.B. 650, AN ACT TO PROVIDE FOR THE ASSIGNMENT OF SPECIAL SUPERIOR COURT JUDGES TO HEAR COMPLEX BUSINESS CASES, TO CLARIFY THE PROCEDURE FOR ASSIGNING COMPLEX BUSINESS CASES, TO AUTHORIZE A LARGER FEE FOR COMPLEX BUSINESS CASES, AND TO CHANGE THE DATE DISTRICT COURT JUDGES TAKE OFFICE. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-425.)

S.B. 814, AN ACT TO MODERNIZE AND SIMPLIFY CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT STATUTES. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-426.)

H.B. 1493, AN ACT ESTABLISHING THE PHARMACY QUALITY ASSURANCE PROTECTION ACT TO FACILITATE THE CONTINUOUS REVIEW OF THE PRACTICE OF PHARMACY. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-427.)

H.B. 1115, AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY LINE; TO CHANGE THE DEADLINE FOR FILING A PROTEST FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP SITES

AS AT VOTING PLACES ON ELECTION DAY; TO EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW FOR THE CANCELLATION OF A VOTER'S REGISTRATION IN A FORMER COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR AND CHANGE OTHER RELATED DATES; TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS; TO CLARIFY HOW WINNERS OF ELECTIONS SHALL BE DETERMINED; TO CLARIFY THAT A VOTER WHOSE NAME HAS BEEN REMOVED FROM THE REGISTRATION LIST MAY VOTE UPON AFFIRMING THAT THE VOTER HAS NOT MOVED FROM THE COUNTY; TO PROVIDE FOR THE CORRECTION OF AN OMISSION ON THE VOTER REGISTRATION FORM; TO AUTHORIZE PARTICIPATION IN THE 2010 CENSUS REDISTRICTING DATA PROGRAM; AND TO AUTHORIZE BOARDS OF ELECTIONS TO ALLOW KNOWN VOTERS WHOSE VOTES WERE LOST TO RECAST THEIR BALLOTS DURING A TWO-WEEK PERIOD AFTER THE ELECTION. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-428.)

S.B. 393, AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-429.)

H.B. 1128, AN ACT TO REQUIRE AN AUDIT TRAIL FOR ANY CAMPAIGN CONTRIBUTION MADE BY MONEY ORDER; TO ALLOW CAMPAIGN EXPENDITURES TO BE MADE BY ANY VERIFIABLE FORM OF PAYMENT; TO CLARIFY THE MEANING OF "QUALIFIED TO RECEIVE VOTES ON THE BALLOT AS A CANDIDATE FOR THE OFFICE" AS A PRECONDITION FOR CERTIFICATION UNDER THE PUBLIC CAMPAIGN FINANCING FUND; TO CLARIFY WHAT CANDIDATES UNDER THAT FUND MAY RAISE AND SPEND AFTER FILING NOTICE OF INTENT TO PARTICIPATE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO APPLY THE SCOPE AND ADVISORY OPINION SECTIONS OF ARTICLE 22A OF CHAPTER 163 OF THE GENERAL STATUTES TO ARTICLES 22B, 22D, 22E, AND 22F AS WELL; TO EXPRESSLY REQUIRE THAT ORGANIZATIONS EXPENDING FOR

"ELECTIONEERING COMMUNICATIONS" MUST DO SO OUT OF A SEGREGATED ACCOUNT THAT CONTAINS NO MONEY FROM PROHIBITED SOURCES AND TO EXPRESSLY PROVIDE FOR DETAILED REPORTING FROM ANY SUCH ACCOUNT; TO CLARIFY THE DEFINITION OF "CORPORATION"; AND TO PROVIDE TRAINING FOR TREASURERS OF POLITICAL COMMITTEES. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-430.)

S.B. 705, AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-431.)

S.B. 208, AN ACT AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA OCCUPATIONAL THERAPY PRACTICE ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE FEE FOR A LIMITED PERMIT. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-432.)

H.B. 787 AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE; TO ALLOW DOT TO SIGN A VOLUNTARY ANNEXATION PETITION WITH THE TOWN OF KNIGHTDALE; TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES LOCATED PRIMARILY WITHIN THE COUNTY TO EXERCISE MOST MUNICIPAL FUNCTIONS; AND TO AMEND THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK AND THE TREASURER. (Became law upon approval of the Governor, September 22, 2005 - S.L. 2005-433.)

H.B. 248, AN ACT TO PROVIDE THAT CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE STORED AND SOLD BEHIND A PHARMACY COUNTER; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF CERTAIN PSEUDOEPHEDRINE PRODUCTS; TO AUTHORIZE THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADD OR DELETE SPECIFIC PSEUDOEPHEDRINE PRODUCTS FROM THE REQUIREMENTS OF THE ARTICLE, OR MODIFY SECURITY AND STORAGE MEASURES APPLICABLE TO SPECIFIC PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO CREATE THE LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS. (Became law upon approval of the Governor, September 27, 2005 - S.L. 2005-434.)

H.B. 105, AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS, TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AND TO ALLOW INTERSTATE PASSENGER AIR CARRIERS A REFUND OF SALES AND USE TAXES ON FUEL. (Became law upon approval of the Governor, September 27, 2005 - S.L. 2005-435.)

H.B. 1295, AN ACT TO CLARIFY THE MAXIMUM WEIGHT OF A MOTOR VEHICLE THAT IS SUBJECT TO THE NEW MOTOR VEHICLES WARRANTIES ACT AND TO PROMOTE THE EXPEDITIOUS SETTLEMENT OF CLAIMS WHEN THE CONSUMER REQUESTS THE MANUFACTURER TO REPURCHASE THE MOTOR VEHICLE. (Became law upon approval of the Governor, September 27, 2005 - S.L. 2005-436.)

H.B. 888, AN ACT TO INCREASE THE PENALTY FOR COCKFIGHTING. (Became law upon approval of the Governor, September 27, 2005 - S.L. 2005-437.)

H.B. 1277, AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM. (Became law upon approval of the Governor, September 27, 2005 - S.L. 2005-438.)

H.B. 1261, AN ACT AMENDING THE LAWS REGULATING WIRELESS TELEPHONE SERVICE, TO CLARIFY THE AUTHORIZED EXPENDITURES FROM THE EMERGENCY TELEPHONE SYSTEM FUND, TO CAP WIRE 911 SERVICE CHARGES, AND TO STUDY ISSUES RELATED TO ARTICLE 1 OF CHAPTER 62A OF THE GENERAL STATUTES. (Became law upon approval of the Governor, September 27, 2005 - S.L. 2005-439.)

H.B. 1281, AN ACT TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS. (Became law upon approval of the Governor, September 27, 2005 - S.L. 2005-440.)

H.B. 1029, AN ACT FACILITATING THE ESTABLISHMENT OF LOCAL GOVERNMENT PROGRAMS TO CLEAR STREAMS BY CLARIFYING LOCAL GOVERNMENT LIABILITY FOR SUCH ACTIONS AND TO ALLOW THE VILLAGE OF CLEMMONS AND THE TOWN OF KERNERSVILLE TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS IT MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES. (Became law upon approval of the Governor, September 27, 2005 - S.L. 2005-441.)

S.B. 1134, AN ACT TO ESTABLISH THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE; TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING, THE EMERGING CARBON ECONOMY, AND WHETHER IT IS APPROPRIATE AND DESIRABLE FOR THE STATE TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL; AND, IF THE COMMISSION DETERMINES THAT THE ESTABLISHMENT OF A GOAL IS APPROPRIATE AND DESIRABLE, TO AUTHORIZE THE COMMISSION TO DEVELOP A RECOMMENDED GOAL. (Became law upon approval of the Governor, September 27, 2005 - S.L. 2005-442.)

S.B. 998, AN ACT TO IMPLEMENT A PROVISION OF THE COASTAL HABITAT PROTECTION PLAN BY PROVIDING FOR GREATER FLEXIBILITY IN THE USE OF FUNDS FROM THE RIPARIAN BUFFER RESTORATION FUND TO CONSTRUCT ALTERNATIVE MEASURES TO REDUCE NUTRIENT LOADING AND BY PROVIDING THAT IF A LAND-DISTURBING ACTIVITY LEAVES AN EXPOSED SLOPE, THE SLOPE SHALL BE PLANTED WITH TEMPORARY OR PERMANENT GROUND COVER WITHIN TWENTY-ONE CALENDAR DAYS. (Became law upon approval of the Governor, September 27, 2005 - S.L. 2005-443.)

S.B. 725, AN ACT TO MODIFY THE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD. (Became law upon approval of the Governor, September 28, 2005 - S.L. 2005-444.)

S.B. 1117, AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT. (Became law upon approval of the Governor, September 28, 2005 - S.L. 2005-445.)

H.B. 1076, AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL. (Became law upon approval of the Governor, September 29, 2005 - S.L. 2005-446.)

S.B. 681, AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING CERTAIN FORESTRY ACTIVITIES. (Became law upon approval of the Governor, September 29, 2005 - S.L. 2005-447)

H.B. 99, AN ACT TO AMEND THE WORKERS' COMPENSATION ACT AND TO CREATE THE STUDY COMMITTEE ON WORKERS' COMPENSATION BENEFITS. (Became law upon approval of the Governor, September 29, 2005 - S.L. 2005-448.)

H.B. 1121, AN ACT TO PROVIDE FOR THE MERGER OF A HOSPITAL AUTHORITY CREATED BY A CITY AND A CHARITABLE OR RELIGIOUS CORPORATION OR A HOSPITAL AUTHORITY IN THE COUNTY IN WHICH THE CITY IS LOCATED AND RELATING TO PUBLIC HOSPITAL INVESTMENTS. (Became law upon approval of the Governor, September 29, 2005 - S.L. 2005-449.)

H.B. 686, AN ACT TO UPDATE THE LANGUAGE OF CHAPTER 168 OF THE GENERAL STATUTES REGARDING PERSONS WITH DISABILITIES AND TO CLARIFY THE LAW ALLOWING SERVICE ANIMALS IN TRAINING TO ACCESS PUBLIC FACILITIES AND CONVEYANCES WHEN ACCOMPANIED BY A PERSON WHO TRAINS SERVICE ANIMALS. (Became law upon approval of the Governor, September 29, 2005 - S.L. 2005-450.)

H.B. 630, AN ACT TO REQUIRE MANUFACTURED HOME DEALERS TO ESTABLISH AND MAINTAIN ESCROW OR TRUST ACCOUNTS FOR BUYER DEPOSITS; TO CLARIFY THE CONTRACT NEGOTIATION PROCESS; AND TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MANUFACTURED HOUSING BOARD. (Became law upon approval of the Governor, September 29, 2005 - S.L. 2005-451.)

H.B. 1213, AN ACT TO PROVIDE THAT A PERSON CHARGED WITH MULTIPLE OFFENSES UNDER CERTAIN CIRCUMSTANCES MAY HAVE THOSE CHARGES EXPUNGED IF THE CHARGES ARE SUBSEQUENTLY DISMISSED OR FINDINGS OF NOT GUILTY OR NOT RESPONSIBLE ARE ENTERED AT THE SAME TERM OF COURT. (Became law upon approval of the Governor, September 29, 2005 - S.L. 2005-452.)

H.B. 768, AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA. (Became law upon approval of the Governor, September 29, 2005 - S.L. 2005-453.)

H.B. 1095, AN ACT TO ESTABLISH UNIFORM CRITERIA FOR DRINKING WATER, WASTEWATER, AND STORMWATER LOANS AND GRANTS, TO CLARIFY AND REVISE THE PROCEDURES THAT APPLY TO THESE LOANS AND GRANTS TO REFLECT THE EXHAUSTION OF THE 1998 CLEAN WATER BOND PROCEEDS, AND TO PROVIDE FOR GREATER COORDINATION AMONG AGENCIES THAT MAKE LOANS AND GRANTS FOR WATER PROJECTS BY ESTABLISHING THE WATER INFRASTRUCTURE COMMISSION. (Became law upon approval of the Governor, September 29, 2005 - S.L. 2005-454.)

S.B. 1126, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2006, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE WAIVER, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION AND THE WILDLIFE RESOURCES COMMISSION TO JOINTLY DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE. (Became law upon approval of the Governor, September 29, 2005 - S.L. 2005-455.)

S.B. 612, AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES WITHOUT LIMITING EXPENDITURES; BY REQUIRING MONTHLY REPORTING OF LEGISLATIVE LOBBYING DURING SESSIONS OF THE GENERAL ASSEMBLY AND QUARTERLY THEREAFTER; BY ESTABLISHING A WAITING PERIOD BEFORE

CERTAIN STATE OFFICERS MAY LOBBY; BY BARRING LOBBYISTS FROM CERTAIN APPOINTMENTS AND OTHER ACTIVITIES; BY REQUIRING REGISTRATION AND QUARTERLY REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH OFFICERS; AND BY CREATING A NO GIFTS REGISTRY. (Became law upon approval of the Governor, September 30, 2005 - S.L. 2005-456.)

H.B. 855, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH STATEWIDE NUTRITION STANDARDS FOR SCHOOL MEALS, A LA CARTE FOODS AND BEVERAGES, AND THE AFTER SCHOOL SNACK PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND. (Became law upon approval of the Governor, October 1, 2005 - S.L. 2005-457.)

H.B. 911, AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM. (Became law upon approval of the Governor, October 2, 2005 - S.L. 2005-458.)

S.B. 665, AN ACT TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO CONTRACT DIRECTLY WITH PRIVATE VENDORS TO OPERATE THE COUNTY BILLING SYSTEM FOR MEDICAID CLAIMS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITIES TO INCREASE THEIR MEMBERSHIP. (Became law upon approval of the Governor, October 2, 2005 - S.L. 2005-459.)

H.B. 217, AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN CIRCUMSTANCES. (Became law upon approval of the Governor, October 2, 2005 - S.L. 2005-460.)

S.B. 486, AN ACT TO INCREASE THE PENALTY FOR DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY IN CERTAIN CIRCUMSTANCES. (Became law upon approval of the Governor, October 2, 2005 - S.L. 2005-461.)

S.B. 629, AN ACT TO PROVIDE FOR THE REDEVELOPMENT OF CERTAIN MANUFACTURING DISTRICTS. (Became law without approval of the Governor, October 3, 2005 - S.L. 2005-462.)

H.B. 1227, AN ACT TO CLARIFY THE MOTOR VEHICLE REPAIR ACT AND TO AMEND MOTOR VEHICLE FRANCHISE LAWS. (Became law without approval of the Governor, October 3, 2005 - S.L. 2005-463.)

APPENDIX

SENATE JOURNAL

FIRST SESSION

2005



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE DISTRICTS**

DISTRICTS (Seats)	COUNTIES Townships, Precincts, Census Tracts, Block Groups
1st (1)	BEAUFORT, CAMDEN, CURRITUCK, DARE, HYDE, PASQUOTANK, TYRRELL, WASHINGTON.
2nd (1)	CARTERET, CRAVEN, PAMLICO.
3rd (1)	EDGECOMBE, MARTIN, PITT: Precinct Arthur: Tract 16: Block Group 1: Block 1000, Block 1001, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1016, Block 1017; Block Group 2: Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023; Tract 17: Block Group 1: Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, 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 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075, Block 1076, Block 1077; Tract 18: Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004; Precinct Ayden B: Tract 12: Block Group 2: Block 2006, Block 2007; Tract 14: Block Group 2: Block 2038; Block Group 3, Block Group 4: Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4010, Block 4011; Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5031, Block 5032, Block 5033; Precinct Belvoir, Precinct Bethel, Precinct Carolina, Precinct Chicod, Precinct Falkland, Precinct Fountain: Tract 19: Block Group 1: Block 1002, Block 1003, Block 1010, Block 1011, Block 1012, Block 1018; Block Group 2: 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 2048; 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 3033; Precinct Greenville 01, Precinct Greenville 03,

Precinct Greenville 04, Precinct Greenville 05A, Precinct Greenville 05B, Precinct Greenville 06, Precinct Greenville 09: **Tract 3:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1008, Block 1009, Block 1010, Block 1018, Block 1019, Block 1998, Block 1999; Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4053, Block 4054, Block 4055, Block 4056, Block 4057; **Tract 9:** Block Group 2: 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 2036, Block 2037, Block 2055, Block 2056, Block 2057, Block 2059, Block 2993, Block 2994, Block 2995, Block 2996; **Tract 10:** Block Group 4: Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4023, Block 4997; Precinct Greenville 12A: **Tract 6:** 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 2026; Precinct Grifton, Precinct Grimesland, Precinct Pactolus, Precinct Simpson A, Precinct Simpson B, Precinct Swift Creek.

4th (1) **BERTIE, CHOWAN, GATES, HALIFAX, HERTFORD, NORTHAMPTON, PERQUIMANS.**

5th (1) **GREENE, PITT:** Precinct Arthur: **Tract 6:** Block Group 2: Block 2018, Block 2021; **Tract 16:** Block Group 1: Block 1002, Block 1003, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1020; Block Group 2: Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2049, Block 2050, Block 2054; Block Group 3: Block 3005, Block 3006; Precinct Ayden A, Precinct Ayden B: **Tract 12:** Block Group 1: Block 1033, Block 1034; **Tract 14:** Block Group 1: Block 1005, Block 1012, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1059, Block 1060, Block 1061, Block 1062; Block Group 2: 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 2039, Block 2041;

Block Group 5: Block 5004, Block 5005, Block 5006, Block 5007, Block 5015, Block 5016, Block 5025, Block 5026, Block 5027, Block 5028; Precinct Farmville A, Precinct Farmville B, Precinct Fountain: **Tract 18:** Block Group 3: Block 3001; **Tract 19:** Block Group 1: Block 1044; Block Group 2: Block 2001, 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 2047; Block Group 3: Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032; Precinct Greenville 07A, Precinct Greenville 07B, Precinct Greenville 07C, Precinct Greenville 08A, Precinct Greenville 08B, Precinct Greenville 09: **Tract 1:** Block Group 5: Block 5024, Block 5025; **Tract 2:** Block Group 5: Block 5022, Block 5023, Block 5024, Block 5025; **Tract 3:** Block Group 1: Block 1007, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017; 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 2037; Block Group 4: Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4999; **Tract 4:** Block Group 3: Block 3005, 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, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029; Block Group 4: Block 4004, Block 4005; Precinct Greenville 10A, Precinct Greenville 10B, Precinct Greenville 11A, Precinct Greenville 11B, Precinct Greenville 12A: **Tract 6:** Block Group 2: Block 2019, Block 2020, Block 2022, Block 2023, Block 2024, Block 2025, 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; **Tract 16:** Block Group 2: Block 2035, Block 2036; Precinct Greenville 12B, Precinct Winterville Central A, Precinct Winterville Central B, Precinct Winterville East; **WAYNE:** Precinct 02: **Tract 2:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019; Block Group 2: Block 2000, Block 2001; Block Group 3; **Tract 3.01:** Block Group 1: Block 1000, Block 1001, 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 1051,

Block 1052, Block 1053, Block 1054, Block 1055; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3010, Block 3011, Block 3012; Precinct 06, Precinct 07, 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; **Tract 8:** Block Group 1: 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 Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027; 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, Block 3021, Block 3022, Block 3023, Block 3024, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3050; **Tract 9:** Block Group 6: Block 6010; Block Group 7: Block 7023, Block 7024, Block 7025, Block 7026, Block 7027, Block 7028, Block 7029, Block 7032, Block 7033, Block 7034, Block 7035, Block 7036, Block 7037, Block 7038, Block 7039, Block 7040, Block 7042, Block 7043, Block 7044; Precinct 26: **Tract 6.01:** Block Group 3: Block 3005, Block 3006, Block 3007, Block 3010, Block 3011, Block 3012; **Tract 6.02:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1014, Block 1015, Block 1016, Block 1017; **Tract 9:** Block Group 5: Block 5016, Block 5017, Block 5024, Block 5025, Block 5026, Block 5027, Block 5030, Block 5031, Block 5032, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040; Block Group 7: Block 7000, Block 7001, Block 7002, Block 7003, Block 7004, Block 7007, Block 7008, Block 7009, Block 7010, Block 7011, Block 7012, Block 7013, Block 7014, Block 7015, Block 7016, Block 7017, Block 7018, Block 7019, Block 7020, Block 7021, Block 7022, Block 7041; Precinct 27, Precinct 28, Precinct 29, Precinct 30.

- 6th (1) **JONES, ONSLOW.**
- 7th (1) **FRANKLIN, GRANVILLE, VANCE, WARREN.**
- 8th (1) **BRUNSWICK, COLUMBUS, PENDER.**
- 9th (1) **NEW HANOVER.**
- 10th (1) **DUPLIN, LENOIR, SAMPSON.**
- 11th (1) **NASH, WILSON.**
- 12th (1) **JOHNSTON, WAYNE:** Precinct 01, Precinct 02: **Tract 2:** Block Group 1: Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1020, Block 1027; **Tract 3.01:** Block Group 4: Block 4000, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009; Precinct 03, Precinct 04, Precinct 05, Precinct 08, Precinct 09, Precinct 16, Precinct 24, Precinct 25: **Tract 8:** Block Group 2: 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 9:** Block Group 3: Block 3010; Block Group 6: Block 6001, Block 6002, Block 6003, Block 6005, Block 6007, Block 6008, Block 6009, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6017, Block 6998, Block 6999; Block Group 7: Block 7030, Block 7031; **Tract 10:** Block Group 1: Block 1026; Precinct 26: **Tract 9:** Block Group 4: Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4021, Block 4022, Block 4023; Block Group 5: Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5028, Block 5029, Block 5041, Block 5042, Block 5995, Block 5996; Block Group 7: Block 7005, Block 7006.
- 13th (1) **HOKE, ROBESON.**
- 14th (1) **WAKE:** Precinct 01-12: **Tract 527.01:** Block Group 2: Block 2028, Block 2029, Block 2030, Block 2031, Block 2036, Block 2037, Block 2038; Precinct 01-18: **Tract 527.01:** Block Group 1: Block 1013, 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; Precinct 01-19, Precinct 01-20: **Tract 507:** Block Group 1, 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 Group 4: Block 4000, Block 4001,

Block 4002, Block 4003, Block 4004, Block 4005; **Tract 521.02:** Block Group 1: Block 1009; Precinct 01-21: **Tract 521.01:** Block Group 2: Block 2033, Block 2035, Block 2036, Block 2037, Block 2038, Block 2042, Block 2043; **Tract 522.02:** Block Group 1: Block 1027, Block 1028, Block 1029, Block 1039, Block 1040, Block 1041, Block 1050, Block 1052, Block 1053, Block 1056, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1069, Block 1080; Precinct 01-22, Precinct 01-26: **Tract 507:** Block Group 3: Block 3012, Block 3013; Block Group 4: Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013; Block Group 5: Block 5004, Block 5005, Block 5006, Block 5007, Block 5008; **Tract 508:** 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 Group 2: Block 2000, Block 2001, Block 2002; Block Group 3; **Tract 509:** Block Group 1: Block 1019; Block Group 2: Block 2000, Block 2001, Block 2009, Block 2010; **Tract 521.01:** Block Group 2: Block 2000; Precinct 01-28, Precinct 01-34, Precinct 01-35: **Tract 508:** Block Group 1: Block 1011, Block 1012; Block Group 2: Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010; **Tract 509:** Block Group 2: Block 2002, Block 2003, Block 2006, Block 2007, Block 2008, Block 2011, Block 2012; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3019, Block 3020, Block 3021; **Tract 521.01:** Block Group 1, Block Group 2: Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2039, Block 2040, Block 2041, Block 2044, Block 2045; **Tract 522.01:** Block Group 1: Block 1021; **Tract 522.02:** Block Group 1: Block 1000; Precinct 01-38, Precinct 01-40, Precinct 01-46, Precinct 01-50, Precinct 09-01, Precinct 09-02, Precinct 09-03, Precinct 10-01, Precinct 10-02, Precinct 10-03, Precinct 10-04, Precinct 13-01, Precinct 13-03, Precinct 13-05: **Tract 540.10:** Block Group 1: Block 1057, Block 1060, Block 1061, Block 1062, Block 1063, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, 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 2002, Block 2003, Block 2025, Block 2026, Block 2027, Block 2028; Precinct 13-06: **Tract 540.10:** Block Group 1: Block 1000, Block 1058, Block 1059; Precinct 13-07, Precinct 16-01: **Tract 528.03:** Block Group 2: Block 2033, Block 2035; **Tract 528.04:** Block Group 1: Block 1000, Block 1001, Block 1002; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, 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; Precinct 16-02, Precinct 16-08, Precinct 17-01, Precinct 17-02, Precinct 17-03, Precinct 17-04, Precinct 17-05, Precinct 17-06, Precinct 17-07, Precinct 17-08, Precinct 17-09, Precinct 17-10, Precinct 17-11, Precinct 19-01, Precinct 19-02: **Tract 542.01**: Block Group 5: Block 5000, Block 5001, Block 5002, Block 5142, Block 5143; **Tract 542.02**: Block Group 2: Block 2013, Block 2014; Precinct 19-04, Precinct 19-07: **Tract 542.01**: Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4999; **Tract 542.02**: Block Group 2: Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2030, Block 2996; Precinct 19-08.

15th (1) **WAKE**: Precinct 01-11, Precinct 01-15, Precinct 01-17, Precinct 01-18: **Tract 526.02**: Block Group 2: Block 2009; **Tract 527.01**: Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1017, Block 1018, Block 1019; 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 2999; Precinct 01-29: **Tract 515.01**: Block Group 1: Block 1000, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023; Precinct 01-30, Precinct 01-36, Precinct 01-37, Precinct 01-39, Precinct 01-42, Precinct 01-43, Precinct 01-44, 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 07-09, Precinct 07-11, Precinct 07-12, Precinct 07-13, Precinct 08-01, Precinct 08-02, Precinct 08-03, Precinct 08-04, Precinct 08-05, Precinct 08-06, Precinct 08-07, Precinct 08-08, Precinct 08-09, Precinct 13-02, Precinct 13-04, Precinct 13-05: **Tract 540.10**: Block Group 1: Block 1046, Block 1047, Block 1050, Block 1052, Block 1053, 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; Precinct 13-06: **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 1031, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045,

Block 1048, Block 1049, Block 1051, Block 1054, Block 1055; Precinct 14-01, Precinct 14-02, Precinct 19-02: **Tract 542.01**: Block Group 1, Block Group 5: Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025, Block 5026, Block 5027, Block 5028, Block 5029, Block 5030, Block 5031, Block 5032, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041, Block 5042, Block 5043, Block 5044, Block 5045, Block 5046, Block 5047, Block 5048, Block 5049, Block 5050, Block 5051, Block 5052, Block 5113, Block 5114, Block 5115, Block 5116, Block 5117, Block 5118, Block 5119, Block 5120, Block 5121, Block 5122, Block 5123, Block 5124, Block 5125, Block 5132, Block 5133, Block 5134, Block 5135, Block 5136, Block 5137, Block 5138, Block 5139, Block 5140, Block 5141; Precinct 19-03, Precinct 19-05, Precinct 19-06, Precinct 19-07: **Tract 540.10**: Block Group 2: Block 2000, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2062, Block 2063, Block 2064, Block 2065, Block 2066, Block 2067; Block Group 4: Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4023.

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 01-10, Precinct 01-12: **Tract 517**: Block Group 1: Block 1008; **Tract 518**: Block Group 1: Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1020, Block 1021, Block 1022, Block 1023; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005; Block Group 3; **Tract 527.01**: Block Group 2: Block 2039; Precinct 01-13, Precinct 01-14, Precinct 01-16, Precinct 01-20: **Tract 501**: Block Group 1: Block 1052, Block 1053, Block 1054, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1093, Block 1094, Block 1095, Block 1096, Block 1097, Block 1098, Block 1099, Block 1100, Block 1101, Block 1102; **Tract 507**: Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003; Precinct 01-21: **Tract 522.02**: Block Group 1: 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

1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1042, Block 1043, Block 1044, Block 1045, Block 1051, Block 1997, Block 1998, Block 1999; Block Group 2, Block Group 3; Precinct 01-23, Precinct 01-25, Precinct 01-26: **Tract 501**: Block Group 1: Block 1090, Block 1091, Block 1092, Block 1112, Block 1113, Block 1114, Block 1115, Block 1116, Block 1117; **Tract 509**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1015, Block 1016, Block 1017, Block 1018, Block 1020, Block 1021; Precinct 01-27, Precinct 01-29: **Tract 515.01**: Block Group 1: Block 1008; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2017, Block 2018, Block 2019; **Tract 515.02**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010; Precinct 01-31, Precinct 01-32, Precinct 01-33, Precinct 01-35: **Tract 508**: Block Group 2: Block 2011, Block 2012, Block 2013; **Tract 509**: Block Group 1: Block 1022, Block 1023, Block 1024, Block 1025; Block Group 2: Block 2004, Block 2005, Block 2013; Block Group 3: Block 3004, Block 3005, Block 3006, Block 3016, Block 3017, Block 3018; **Tract 522.01**: Block Group 1: Block 1000, Block 1001, Block 1018, Block 1019, Block 1020; **Tract 522.02**: Block Group 1: Block 1001, Block 1002; Precinct 01-41, Precinct 01-48, Precinct 01-49, Precinct 04-01, Precinct 04-02, Precinct 04-03, Precinct 04-04: **Tract 535.07**: Block Group 2: Block 2001, Block 2002; Block Group 3: Block 3007, Block 3008, Block 3009; Precinct 04-05, Precinct 04-08, Precinct 04-09, Precinct 04-11, Precinct 04-12, Precinct 04-15, Precinct 04-17, Precinct 04-18, Precinct 04-20, Precinct 04-21, Precinct 05-01, Precinct 05-02, Precinct 05-03, Precinct 07-01, Precinct 07-10, Precinct 11-01, Precinct 11-02, Precinct 18-01: **Tract 523.01**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1021, Block 1022, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041; **Tract 523.02**: Block Group 2: Block 2003, Block 2004, Block 2005, 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 2999; Precinct 18-06: **Tract 523.01**: Block Group 1: Block 1003, Block 1005, Block 1006, Block 1017, Block 1018, Block

1019, Block 1020, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1043, Block 1996, Block 1997, Block 1998, Block 1999; **Tract 524.04**: Block Group 1: Block 1043, Block 1996, Block 1997, Block 1998, Block 1999; **Tract 530.01**: Block Group 2: Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027; **Tract 530.02**: Block Group 1: Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, 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 1057, Block 1058, Block 1994, Block 1998, Block 1999; Precinct 18-08: **Tract 530.01**: Block Group 2: Block 2000, Block 2001, 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 2031, Block 2032, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043; Precinct 20-02: **Tract 534.03**: 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 2015, Block 2016, Block 2017, Block 2018; **Tract 536**: Block Group 2: Block 2119, Block 2120, Block 2121, Block 2122, Block 2123, Block 2128, Block 2129, Block 2130, Block 2131, Block 2132, Block 2133, Block 2134, Block 2135, Block 2136, Block 2137, Block 2138, Block 2139, Block 2140, Block 2141, Block 2142, Block 2143, Block 2144, Block 2145, Block 2146, Block 2147, Block 2148, Block 2149, Block 2150, Block 2151, Block 2161, Block 2162, Block 2164, Block 2165, Block 2166, Block 2167, Block 2202, Block 2221, Block 2222, Block 2223, Block 2224, Block 2225, Block 2226, Block 2227, Block 2228, Block 2229, Block 2230, Block 2231, Block 2232, Block 2233.

17th (1) **WAKE**: Precinct 03-00, Precinct 04-04: **Tract 535.08**: 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; Precinct 04-06, Precinct 04-07, Precinct 04-10, Precinct 04-13, Precinct 04-14, Precinct 04-16, Precinct 04-19, Precinct 06-01, Precinct 06-02, Precinct 06-03, Precinct 12-01, Precinct 12-02, Precinct 12-03, Precinct 12-04, Precinct 12-05, Precinct 12-06, Precinct 12-07, Precinct 15-01, Precinct 15-02, Precinct 15-03, Precinct 15-04, Precinct 16-01: **Tract 528.05**: 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 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 16-09, Precinct 18-01: **Tract 530.02:** Block Group 2: Block 2019, Block 2020, Block 2021; Precinct 18-02, Precinct 18-03, Precinct 18-04, Precinct 18-05, Precinct 18-06: **Tract 530.02:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1044, Block 1045, Block 1046, Block 1049, Block 1050, Block 1993; Precinct 18-07, Precinct 18-08: **Tract 530.01:** Block Group 1: Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009; Block Group 2: Block 2028, Block 2029, Block 2030, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2044, 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 2061, Block 2062, Block 2063, Block 2064, Block 2065, Block 2066, Block 2067, Block 2068, Block 2080, Block 2081, Block 2082, Block 2083, Block 2084, Block 2085, Block 2086, Block 2087, Block 2088, Block 2089, Block 2090, Block 2091, Block 2164, Block 2165; Precinct 20-01, Precinct 20-02: **Tract 534.03:** Block Group 2: Block 2013, Block 2014, 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 2054, Block 2055, Block 2056, Block 2057; Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011; Precinct 20-03, Precinct 20-04, Precinct 20-05, Precinct 20-06, Precinct 20-07, Precinct 20-08, Precinct 20-09, Precinct 20-10.

18th (1) **CHATHAM, DURHAM:** Precinct 03: **Tract 4.01:** Block Group 3: Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010; **Tract 4.02:** Block Group 1: Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1043, Block 1048; **Tract 5:** Block Group 1: Block 1003; Precinct 04: **Tract 4.01:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017; Block Group 2: 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 Group 3: Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023; **Tract 4.02**: Block Group 1: Block 1013, Block 1014; Precinct 05: **Tract 5**: Block Group 1: Block 1004, Block 1005; **Tract 15.01, Tract 15.02**; Precinct 06: **Tract 6**: Block Group 2: Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2026, Block 2027, 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; Precinct 16, Precinct 27, Precinct 35, Precinct 36, Precinct 38, Precinct 39, Precinct 43, Precinct 48, Precinct 50, Precinct 51, Precinct 53, Precinct 54; **LEE**.

19th (1) **BLADEN, CUMBERLAND**: Precinct Alderman, Precinct Arran Hills, Precinct Beaver Dam & Cedar Creek, Precinct Black River, Precinct Brentwood, Precinct Cross Creek 01, Precinct Cross Creek 02, Precinct Cross Creek 08, Precinct Cross Creek 10, Precinct Cross Creek 11, Precinct Cross Creek 12, Precinct Cross Creek 14: **Tract 7**: Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004; Precinct Cross Creek 15, Precinct Cross Creek 18, Precinct Cross Creek 20, Precinct Cross Creek 29, Precinct Cross Creek 30, Precinct Cross Creek 31, Precinct Cross Creek 34, Precinct Cumberland 1, Hope Mills 1, & Stoney Point, Precinct Cumberland 2, Precinct Cumberland 3, Precinct Eastover, Precinct Hope Mills 2, Precinct Hope Mills 3, Precinct Judson-Vander, Precinct Linden, Precinct Pearces Mill 2, Precinct Pearces Mill 3, Precinct Pearces Mill 4, Precinct Sherwood, Precinct Stedman, Precinct Wade.

20th (1) **DURHAM**: Precinct 01, Precinct 02, Precinct 03: **Tract 4.01**: Block Group 3: Block 3001, Block 3002, Block 3003; **Tract 4.02**: Block Group 1: Block 1001, Block 1002, Block 1025, Block 1026, Block 1029, Block 1030, Block 1041, Block 1042, Block 1044, Block 1045, Block 1046, Block 1047; **Tract 5**: Block Group 1: Block 1001, Block 1002; Precinct 04: **Tract 4.01**: Block Group 1: Block 1010, Block 1018, Block 1019, Block 1020, Block 1023, Block 1024; Block Group 2: Block 2001; Precinct 05: **Tract 5**: Block Group 1: Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1017, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025; **Tract 6**: Block Group 2: Block 2000, Block 2001, Block 2002; Precinct 06: **Tract 5**: Block

Group 3: Block 3006, Block 3007; **Tract 6:** Block Group 2: Block 2003, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2022, Block 2023, Block 2024, Block 2025, Block 2028, Block 2029; Precinct 07, Precinct 08, Precinct 09, 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, Precinct 25, Precinct 26, Precinct 28, Precinct 29, Precinct 30, Precinct 31, Precinct 32, Precinct 33, Precinct 34, Precinct 37, Precinct 40, Precinct 41, Precinct 42, Precinct 44, Precinct 45, Precinct 46, Precinct 47, Precinct 49, Precinct 52.

- 21st (1) **CUMBERLAND:** Precinct Auman, Precinct Cliffdale West, Precinct Cross Creek 03, Precinct Cross Creek 04, Precinct Cross Creek 05, Precinct Cross Creek 06, Precinct Cross Creek 07, Precinct Cross Creek 09, Precinct Cross Creek 13, Precinct Cross Creek 14; **Tract 9:** Block Group 2: Block 2012; Block Group 3, Block Group 6: Block 6004, Block 6005, Block 6006, Block 6008, Block 6009, Block 6010, Block 6011, Block 6012, Block 6013; **Tract 20:** Block Group 1: Block 1000, Block 1018; **Tract 21:** Block Group 2, Block Group 5; Precinct Cross Creek 16, Precinct Cross Creek 17, Precinct Cross Creek 19, Precinct Cross Creek 21, Precinct Cross Creek 22, Precinct Cross Creek 23, Precinct Cross Creek 24, Precinct Cross Creek 25, Precinct Cross Creek 26, Precinct Cross Creek 27, Precinct Cross Creek 28, Precinct Cross Creek 32, Precinct Cross Creek 33, Precinct Lake Rim, Precinct Long Hill, Precinct Manchester, Precinct Montibello, Precinct Morganton Rd 2, Precinct Spring Lake, Precinct Westarea.
- 22nd (1) **HARNETT, MOORE.**
- 23rd (1) **ORANGE, PERSON.**
- 24th (1) **ALAMANCE, CASWELL.**
- 25th (1) **ANSON, RICHMOND, SCOTLAND, STANLY.**
- 26th (1) **GUILFORD:** Precinct Center Grove North, Precinct Clay North 1, Precinct Clay North 2, Precinct Clay South, Precinct Deep River North, Precinct Fentress 2, Precinct Friendship 3, Precinct Friendship 4, Precinct Friendship 5, Precinct GB 06; **Tract 154:** Block Group 6: Block 6006; Precinct GB 39; **Tract 161.01:** Block Group 1: Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016; Precinct GB 40A; **Tract 160.02:** Block Group 2: Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, 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 Group 3: Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012; **Tract 161.01**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1999; Precinct GB 41, Precinct GB 64; **Tract 160.04**: Block Group 4: Block 4063, Block 4064, Block 4065, Block 4066, Block 4068, Block 4069, Block 4071; **Tract 162.01**: Block Group 2: Block 2043, Block 2058, Block 2059, Block 2060, Block 2062, Block 2063, Block 2064, Block 2065, Block 2066, Block 2067, Block 2068, Block 2069, Block 2070, Block 2077, Block 2078; **Tract 162.02**: Block Group 1: Block 1002, Block 1003; Precinct Gibsonville, Precinct Greene, Precinct Jefferson 1; **Tract 128.03**: Block Group 1: Block 1025, Block 1026, Block 1027, Block 1031; **Tract 153**: Block Group 1: Block 1004, Block 1005, Block 1013, Block 1014, Block 1025, Block 1026, Block 1027, Block 1028, Block 1056, Block 1057, Block 1058; Block Group 2; **Tract 154**: Block Group 5: Block 5027, Block 5028, Block 5029, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041, Block 5042, Block 5043, Block 5044, Block 5045, Block 5048, Block 5049; Block Group 6: Block 6000, Block 6001, Block 6002, Block 6003, Block 6004, Block 6005, Block 6007, Block 6009, Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6016, Block 6017, Block 6018, Block 6019; Precinct Jefferson 2; **Tract 128.03**: Block Group 1: Block 1024, Block 1028, Block 1029, Block 1030, Block 1032; **Tract 153**: Block Group 3: Block 3006, Block 3007, Block 3008, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035; Precinct Jefferson 4, Precinct Madison North, Precinct Madison South, Precinct Monroe 3, Precinct Oak Ridge 1, Precinct Oak Ridge 2, Precinct Rock Creek 1, Precinct Rock Creek 2, Precinct Stokesdale, Precinct Summerfield 1, Precinct Summerfield 2, Precinct Summerfield 3, Precinct Summerfield 4, Precinct Washington North, Precinct Washington South; **ROCKINGHAM**.

27th (1) **GUILFORD**: Precinct Center Grove 1, Precinct Center Grove 2, Precinct Center Grove 3, Precinct GB 01, Precinct GB 02, Precinct GB 07, Precinct GB 08, Precinct GB 09, Precinct GB 10, Precinct GB 11, Precinct GB 12, Precinct GB 13, Precinct GB 14, Precinct GB 15, Precinct GB 16, Precinct GB 17, Precinct GB 18, Precinct GB 19, Precinct GB 20, Precinct GB 21, Precinct GB 22, Precinct GB 23, Precinct GB 24, Precinct GB 25, Precinct GB 26, Precinct GB 27, Precinct GB 28, Precinct GB 29, Precinct GB 30, Precinct GB 31, Precinct GB 32, Precinct GB 33, Precinct GB 34, Precinct GB 35, Precinct GB 36, Precinct GB 37, Precinct GB 38, Precinct

GB 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, Block 3007; Precinct GB 40A: **Tract 160.02:** Block Group 2: Block 2004, Block 2005; Precinct GB 40B, Precinct GB 42, Precinct GB 43, Precinct GB 44, Precinct GB 45, Precinct GB 47, Precinct GB 48, Precinct GB 49, Precinct GB 50, Precinct GB 51, Precinct GB 52: **Tract 126.04:** Block Group 1: Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, 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 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3017; Precinct GB 54, Precinct GB 55, Precinct GB 56, Precinct GB 57, Precinct GB 58, Precinct GB 59, Precinct GB 60, Precinct GB 61, Precinct GB 62, Precinct GB 63, Precinct GB 64: **Tract 160.04:** Block Group 4: Block 4038, Block 4044, Block 4045, Block 4046, Block 4047, Block 4048, Block 4049, Block 4050, Block 4051, Block 4052, Block 4053, Block 4054, Block 4055, Block 4056, Block 4057, Block 4058, Block 4059, Block 4060, Block 4061, Block 4062, Block 4067; Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016; Precinct Monroe 1, Precinct Monroe 2.

28th (1) **GUILFORD:** Precinct Deep River South: **Tract 162.02:** Block Group 1: Block 1032, Block 1033, Block 1034, Block 1035, Block 1044, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1055, Block 1056, Block 1121, Block 1122, Block 1123, Block 1124, Block 1125, Block 1126, Block 1127, Block 1128, Block 1134, Block 1135, Block 1136, Block 1137, Block 1141, Block 1142, Block 1143, Block 1144, Block 1145, Block 1146; Precinct Fentress 1, Precinct Friendship 1, Precinct Friendship 2, Precinct GB 03, Precinct GB 04, Precinct GB 05, Precinct GB 06: **Tract 127.05:** Block Group 2: Block 2000, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022; **Tract 127.06:** Block Group 2: Block 2000, Block 2001, Block 2004, Block 2005, Block 2006, Block 2007, Block 2011, Block 2013; **Tract 127.07:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006; **Tract 128.03:** Block Group 1: Block 1001, Block 1003, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1999; **Tract 154:** Block Group 6: Block 6008; Precinct GB 46, Precinct GB 52: **Tract 113:** Block Group 2: Block 2015, Block

2016, Block 2019, Block 2020, Block 2021; **Tract 114:** Block Group 5: Block 5006, Block 5007, Block 5008; **Tract 126.04:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1011, Block 1012, Block 1013, Block 1026, Block 1027; Precinct GB 53, Precinct GB 64; **Tract 162.02:** Block Group 1: Block 1000, Block 1001, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1133, Block 1147, Block 1148; **Tract 164.03:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1010, Block 1011, Block 1012, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1029; **Tract 165.03:** Block Group 1: Block 1000, Block 1001, Block 1010; Precinct GB 65, Precinct GB 66, Precinct GB 67, Precinct GB 68, Precinct GB 69, Precinct GB 70, Precinct GB 71, Precinct GB 72, Precinct GB 73, Precinct GB 74, Precinct GB 75, Precinct HP, Precinct HP 01, Precinct HP 02, Precinct HP 03, Precinct HP 04, Precinct HP 05, Precinct HP 06, Precinct HP 07, Precinct HP 08, Precinct HP 09, Precinct HP 10, Precinct HP 11, Precinct HP 12, Precinct HP 17, Precinct HP 18, Precinct HP 19A, Precinct HP 19B, Precinct HP 20A, Precinct HP 20B, Precinct HP 26, Precinct HP 27, Precinct Jamestown 1, Precinct Jamestown 2, Precinct Jamestown 3, Precinct Jamestown 4, Precinct Jamestown 5, Precinct Jefferson 1; **Tract 127.06:** Block Group 2: Block 2002, Block 2003; **Tract 128.03:** Block Group 1: Block 1000, Block 1002, Block 1004, Block 1011, Block 1017, Block 1033, Block 1034, Block 1080; Precinct Jefferson 2; **Tract 111.02:** Block Group 2: Block 2000; **Tract 127.07:** Block Group 1: Block 1000, Block 1001; **Tract 128.03:** Block Group 1: Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1042, Block 1049, Block 1051, Block 1055, Block 1066, Block 1067, Block 1069, Block 1070, Block 1074, Block 1075, Block 1076, Block 1077; Block Group 2: Block 2000, Block 2001, Block 2007, Block 2012, Block 2013, Block 2038; **Tract 153:** Block Group 3: Block 3036; Precinct Jefferson 3, Precinct Pleasant Garden 1, Precinct Pleasant Garden 2, Precinct Sumner 1, Precinct Sumner 2, Precinct Sumner 3, Precinct Sumner 4.

29th (1) **MONTGOMERY, RANDOLPH.**

30th (1) **ALLEGHANY, STOKES, SURRY, YADKIN.**

31st (1) **FORSYTH:** Precinct 011, Precinct 012, Precinct 013; **Tract 33.07:** Block Group 1: Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1033, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, 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 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1999; **Tract 33.08:** 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 1022, Block 1023, Block 1024, Block 1025, Block 1047; 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 2024, 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 2999; Precinct 014, Precinct 015, Precinct 021, Precinct 031, Precinct 032; **Tract 28.05:** Block Group 1: Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1025, Block 1026, Block 1027, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096, Block 1097, Block 1098, Block 1100; 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 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3048, Block 3049, Block 3052, Block 3053, Block 3057, Block 3058, Block 3059, Block 3060, Block 3061, Block 3062, Block 3064, Block 3065, Block 3066, Block 3069, Block 3070, Block 3071, Block 3072, Block 3073, Block 3074, Block 3075, Block 3076, Block 3077, Block 3078, Block 3079, Block 3080, Block 3995, Block 3996, Block 3997, Block 3998, Block 3999; Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4017, Block 4018; Precinct 033: **Tract 28.07:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021; **Tract**

29.01: Block Group 2: Block 2005, Block 2006, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2022, Block 2023, Block 2024, Block 2029, Block 2030, Block 2031, Block 2033; Precinct 034, Precinct 043; **Tract 33.03:** Block Group 3: Block 3034, Block 3035, Block 3036, Block 3037; **Tract 34.02:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035; Block Group 2: Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2021, Block 2023, Block 2024, Block 2025, Block 2026, Block 2029, Block 2030, Block 2031, Block 2035; 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 101; **Tract 28.01:** Block Group 3: Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3048, Block 3061, Block 3062, Block 3063; **Tract 28.04:** Block Group 1: Block 1018, Block 1019, Block 1020, Block 1021, Block 1022; Block Group 3: Block 3025, Block 3026, Block 3027, Block 3028; **Tract 28.05:** Block Group 3: Block 3063; Block Group 4: Block 4013, Block 4014, Block 4015, Block 4016, Block 4019; Precinct 111, Precinct 112, Precinct 123; **Tract 39.04:** Block Group 1: 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 Group 2: Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, 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; Precinct 131, Precinct 132, Precinct 133, Precinct 507; **Tract 33.03:** Block Group 2: Block 2000, Block 2057, Block 2058, Block 2059; 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 3028, Block 3029; Precinct 701, Precinct 702, Precinct 703, Precinct 704; **Tract 10:** Block Group 3: Block 3009; **Tract 21:** 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 Group 3: Block 3000, Block 3001, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010; **Tract 22:**

Block Group 4: Block 4014, Block 4015, Block 4018, Block 4019; Precinct 705: **Tract 21:** Block Group 2, Block Group 3: Block 3002, Block 3003; **Tract 22:** Block Group 5: Block 5026, Block 5027, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041; Precinct 706, Precinct 707: **Tract 22:** Block Group 5: Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025; **Tract 25.02:** Block Group 2: Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2021, Block 2022, Block 2023, Block 2024, Block 2998, Block 2999; Precinct 801, Precinct 802, Precinct 803, Precinct 804, Precinct 805, Precinct 806, Precinct 807, Precinct 808: **Tract 39.04:** Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2015, Block 2016; **Tract 39.05:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009; **Tract 39.06:** Block Group 3: Block 3009, Block 3010, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018; Precinct 809, Precinct 901, Precinct 906, Precinct 907.

32nd (1)

FORSYTH: Precinct 013: **Tract 33.08:** Block Group 2: Block 2023, Block 2025, Block 2026, Block 2058, Block 2059, Block 2060, Block 2061, Block 2062, Block 2063, Block 2064, Block 2065, Block 2998; Precinct 032: **Tract 28.04:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014; **Tract 28.06:** Block Group 1: Block 1009, Block 1010, Block 1011, Block 1031; Precinct 033: **Tract 27.02:** Block Group 1: Block 1000, Block 1001, Block 1012; **Tract 28.05:** Block Group 2: Block 2027, Block 2028; **Tract 28.06:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038; Block Group 2; Precinct 042, Precinct 043: **Tract 33.03:** Block Group 3: Block 3032, Block 3033, Block 3038, Block 3039; **Tract 34.01:** Block Group 1: Block 1000, Block 1001, 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 1033, Block 1034, Block 1035, Block 1036, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1056, Block 1057, Block 1058; Block Group 2;

Tract 34.02: Block Group 1: Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026; Block Group 2: 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 2022, Block 2032, Block 2033, Block 2034, Block 2036, Block 2037; Precinct 081, Precinct 082, Precinct 083, Precinct 101: **Tract 28.04:** Block Group 1: Block 1016, Block 1017, Block 1999; Block Group 2: Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3011, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3029, Block 3030; Precinct 122, Precinct 123: **Tract 39.03:** Block Group 2: Block 2009, Block 2010, Block 2011, Block 2012, Block 2013; 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 506, Precinct 507: **Tract 33.03:** Block Group 2: Block 2001, Block 2002, Block 2003, Block 2006, Block 2007, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2020, Block 2021, Block 2023, Block 2024, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2052, Block 2053, Block 2054, Block 2055, Block 2056, Block 2060, Block 2061, Block 2062, Block 2998; Block Group 3: Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3030, Block 3031, Block 3040, Block 3041; **Tract 34.01:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1037, Block 1038, Block 1039, Block 1040, Block 1052, Block 1053, Block 1054, Block 1055; Precinct 601, Precinct 602, Precinct 603, Precinct 604, Precinct 605, Precinct 606, Precinct 607, Precinct 704: **Tract 10:** Block Group 3: Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3010, Block 3011; Precinct 705: **Tract 38.02:** Block Group 1: 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 1997, Block 1998, Block 1999; Block Group 3: Block 3000; **Tract 38.04**: Block Group 1: Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016; Precinct 707: **Tract 38.02**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003; Precinct 708, Precinct 709, Precinct 808: **Tract 39.03**: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008; Precinct 902, Precinct 903, Precinct 904, Precinct 905, Precinct 908, Precinct 909.

33rd (1) **DAVIDSON, GUILFORD**: Precinct Deep River South: **Tract 162.02**: Block Group 1: 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 1075, Block 1076, Block 1079, Block 1087, Block 1088, Block 1092, Block 1093, Block 1094, Block 1096, Block 1097, Block 1098, Block 1099, Block 1100, Block 1101, Block 1108, Block 1115, Block 1118, Block 1119, Block 1138, Block 1139, Block 1140; **Tract 163.01**: Block Group 2: Block 2012; Precinct HP 13, Precinct HP 14, Precinct HP 15, Precinct HP 16, Precinct HP 21, Precinct HP 22, Precinct HP 23, Precinct HP 24, Precinct HP 25.

34th (1) **DAVIE, ROWAN**.

35th (1) **MECKLENBURG**: Precinct 201, Precinct 216, Precinct 218, Precinct 219, Precinct 220, Precinct 221, Precinct 234, Precinct 235, Precinct 236; **UNION**.

36th (1) **CABARRUS, IREDELL**: Precinct Coddle Creek 1, Precinct Coddle Creek 2, Precinct Coddle Creek 3, Precinct Coddle Creek 4: **Tract 613**: Block Group 1: Block 1019, Block 1066, Block 1067, Block 1068, Block 1070; **Tract 614**: Block Group 5: Block 5000, Block 5001, Block 5002, Block 5061, Block 5062, Block 5063, Block 5064, Block 5065, Block 5073, Block 5998, Block 5999; Block Group 8: Block 8029, Block 8030, Block 8031, Block 8032, Block 8033, Block 8034, Block 8035, Block 8038, Block 8039,

Block 8044, Block 8045, Block 8046, Block 8047, Block 8048, Block 8049, Block 8050, Block 8051, Block 8052, Block 8053, Block 8054, Block 8055, Block 8056, Block 8057, Block 8061; **Tract 616:** Block Group 5: Block 5007, Block 5008, Block 5010, Block 5011, Block 5013, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5025, Block 5031; Block Group 6: Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6016, Block 6019, Block 6020, Block 6021, Block 6022, Block 6023, Block 6031, Block 6032, Block 6033, Block 6034, Block 6035, Block 6036.

37th (1) **MECKLENBURG:** Precinct 001, Precinct 002, Precinct 004, Precinct 005, Precinct 006, Precinct 007, Precinct 008, Precinct 009, Precinct 010, Precinct 015, Precinct 017, Precinct 018, Precinct 020, Precinct 021, Precinct 029, Precinct 032, Precinct 033, Precinct 034, Precinct 035, Precinct 037, Precinct 038, Precinct 044, Precinct 045, Precinct 046, Precinct 047, Precinct 049, Precinct 050, Precinct 051, Precinct 061, Precinct 062, Precinct 063, Precinct 064, Precinct 066, Precinct 083, Precinct 084, Precinct 094, Precinct 095, Precinct 099, Precinct 102, Precinct 108, Precinct 109, Precinct 115, Precinct 116, Precinct 117, Precinct 123, Precinct 124, Precinct 125, Precinct 130, Precinct 203, Precinct 205.

38th (1) **MECKLENBURG:** Precinct 011, Precinct 012, Precinct 013, Precinct 016, Precinct 022, Precinct 023, Precinct 024, Precinct 025, Precinct 027; **Tract 52:** Block Group 2, Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012; Block Group 4: Block 4002, Block 4003, Block 4004, Block 4005, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4025, Block 4026, Block 4027, Block 4028, Block 4030, Block 4031, Block 4038; Precinct 031, Precinct 039, Precinct 040, Precinct 041, Precinct 052, Precinct 053, Precinct 054, Precinct 055, Precinct 056; **Tract 51:** Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017; **Tract 52:** Block Group 3: Block 3004, Block 3005; Precinct 078, Precinct 079, Precinct 080, Precinct 081, Precinct 089, Precinct 098, Precinct 120, Precinct 122, Precinct 134, Precinct 138, Precinct 200, Precinct 209, Precinct 210, Precinct 211; **Tract 61.01:** Block Group 1: Block 1004, Block 1005, Block 1006, Block 1011, Block 1062, Block 1063; **Tract 61.02:** Block Group 3: Block 3002, Block 3003, Block 3004, 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, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3030, Block 3040; Precinct 222, Precinct 223, Precinct 224, Precinct 225: **Tract 58.06**: Block Group 1: Block 1012, Block 1013, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1037, Block 1038, Block 1039; Precinct 228, Precinct 229, Precinct 230, Precinct 243, Precinct 77, Precinct 97.

39th (1) **MECKLENBURG**: Precinct 019, Precinct 036, Precinct 048, Precinct 057, Precinct 058, Precinct 059, Precinct 065, Precinct 067, Precinct 068, Precinct 069, Precinct 070, Precinct 071, Precinct 072, Precinct 073, Precinct 074, Precinct 075, Precinct 076, Precinct 085, Precinct 086, Precinct 087, Precinct 088, Precinct 090, Precinct 091, Precinct 092, Precinct 093, Precinct 096, Precinct 100, Precinct 101, Precinct 103, Precinct 106, Precinct 110, Precinct 111, Precinct 112, Precinct 113, Precinct 114, Precinct 118, Precinct 119, Precinct 121, Precinct 129, Precinct 131, Precinct 136, Precinct 137, Precinct 139, Precinct 140, Precinct 144, Precinct 215, Precinct 217, Precinct 225: **Tract 58.06**: Block Group 1: Block 1034, Block 1035, Block 1036, 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 1076, Block 1078, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092; Block Group 2: **Tract 58.07**: Block Group 1: Block 1011, Block 1012, Block 1013, Block 1014; Precinct 226, Precinct 227, Precinct 231, Precinct 232, Precinct 233.

40th (1) **MECKLENBURG**: Precinct 003, Precinct 014, Precinct 026, Precinct 027: **Tract 52**: Block Group 1: Block 1000, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013; **Tract 53.01**: Block Group 1: Block 1000, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1015, Block 1016, Block 1017, Block 1019, Block 1020, Block 1021, Block 1022, Block 1036, Block 1037; Precinct 028, Precinct 030, Precinct 042, Precinct 043, Precinct 056: **Tract 50**: Block Group 2: Block 2000, Block 2001, Block 2005; **Tract 51**: 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 1018, Block 1019,

Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030; **Tract 52:** Block Group 1: Block 1001; **Tract 53.01:** Block Group 1: Block 1001, Block 1002, Block 1013, Block 1014, Block 1018; Precinct 060, Precinct 082, Precinct 104, Precinct 105, Precinct 107, Precinct 126, Precinct 127, Precinct 128, Precinct 132, Precinct 133, Precinct 135, Precinct 141, Precinct 142, Precinct 143, Precinct 145, Precinct 202, Precinct 204, Precinct 206, Precinct 207, Precinct 208, Precinct 211; **Tract 55.03:** Block Group 1: Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066; **Tract 61.02:** Block Group 3: Block 3000, Block 3001, Block 3005, Block 3006, Block 3007, Block 3026, Block 3027, Block 3028, Block 3029, Block 3031, Block 3032; Precinct 212, Precinct 213, Precinct 214, Precinct 237, Precinct 238, Precinct 239, Precinct 240, Precinct 241, Precinct 242.

41st (1) **GASTON:** Precinct Alexis, Precinct Lucia, Precinct Mt Holly 1, Precinct Mt Holly 2, Precinct Stanley 1, Precinct Stanley 2; **IREDELL:** Precinct Barringer, Precinct Bethany, Precinct Chambersburg, Precinct Coddle Creek 4; **Tract 612:** Block Group 9: Block 9031, Block 9032, Block 9033, Block 9034, Block 9035, Block 9036, Block 9051, Block 9053; **Tract 613:** Block Group 1: Block 1017, Block 1018, Block 1051, Block 1052, Block 1055, Block 1056, Block 1057, Block 1058, Block 1061, Block 1063, Block 1064, Block 1065, Block 1078; **Tract 614:** Block Group 3: Block 3001; Block Group 5: Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5014, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5025, Block 5026, Block 5030, Block 5032, Block 5033, Block 5042, Block 5046, Block 5047, Block 5048, Block 5059, Block 5060, Block 5066, Block 5067, Block 5068, Block 5069, Block 5070, Block 5072, Block 5076, Block 5077, Block 5078, Block 5081, Block 5082, Block 5083; Precinct Cool Springs, Precinct Davidson 1, Precinct Davidson 2, Precinct Fallstown, Precinct Statesville 1, Precinct Statesville 2, Precinct Statesville 3, Precinct Statesville 4, Precinct Statesville 5, Precinct Statesville 6; **LINCOLN.**

42nd (1) **CATAWBA, IREDELL:** Precinct Concord, Precinct Eagle Mills, Precinct New Hope, Precinct Olin, Precinct Sharpesburg, Precinct Shiloh, Precinct Turnersburg, Precinct Union Grove.

43rd (1) **GASTON:** Precinct Armstrong, Precinct Ashbrook, Precinct Belmont 1, Precinct Belmont 2, Precinct Belmont 3, Precinct Bessemer City 1, Precinct Bessemer City 2, Precinct Catawba

Heights, Precinct Cherryville 1, Precinct Cherryville 2, Precinct Cherryville 3, Precinct Cramerton, Precinct Crowders Mountain, Precinct Dallas 1, Precinct Dallas 2, Precinct Flint Grove, Precinct Forest Heights, Precinct Gardner Park, Precinct Gaston Day, Precinct Grier, Precinct Health Center, Precinct High Shoals, Precinct Highland, Precinct Landers Chapel, Precinct Lowell, Precinct Mcadenville, Precinct Myrtle, Precinct New Hope, Precinct Pleasant Ridge, Precinct Ranlo, Precinct Robinson 1, Precinct Robinson 2, Precinct Sherwood, Precinct South Gastonia, Precinct Southpoint, Precinct Tryon, Precinct Union, Precinct Victory, Precinct Wood Hill, Precinct York Chester.

44th (1) **BURKE, CALDWELL.**

45th (1) **ALEXANDER, ASHE, WATAUGA, WILKES.**

46th (1) **CLEVELAND, RUTHERFORD.**

47th (1) **AVERY, HAYWOOD:** Precinct Allens Creek, Precinct Beaverdam 1, Precinct Beaverdam 2, Precinct Beaverdam 3, Precinct Beaverdam 4, Precinct Beaverdam 5/6, Precinct Beaverdam 7, Precinct Big Creek, Precinct Clyde North, Precinct Clyde South, Precinct Crabtree, Precinct Fines Creek 1, Precinct Fines Creek 2, Precinct Hazelwood, Precinct Iron Duff, Precinct Ivy Hill, Precinct Jonathan Creek, Precinct Lake Junaluska, Precinct Saunook, Precinct Waynesville Center, Precinct Waynesville East, Precinct Waynesville South 1, Precinct Waynesville South 2, Precinct Waynesville West, Precinct White Oak; **MADISON, MCDOWELL, MITCHELL, YANCEY.**

48th (1) **BUNCOMBE:** Precinct Asheville 18, Precinct Asheville 19, Precinct Asheville 24; **Tract 12:** Block Group 5: Block 5001, Block 5002, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025, Block 5029, Block 5030, Block 5033, Block 5034, Block 5992, Block 5993, Block 5994, Block 5995; **Tract 23.02:** Block Group 3: Block 3014, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3028, Block 3029, Block 3030, Block 3031, Block 3043, Block 3044, Block 3045, Block 3046, Block 3050, Block 3051, Block 3052, Block 3053, Block 3054, Block 3055, Block 3056, Block 3057, Block 3060, Block 3062, Block 3992, Block 3993, Block 3994; Precinct Asheville 29, Precinct Averys Creek, Precinct Biltmore, Precinct Broad River, Precinct Fairview 1, Precinct Fairview 2, Precinct Limestone 1, Precinct Limestone 2, Precinct Limestone 3, Precinct Limestone 4, Precinct Lower Hominy 1, Precinct Lower Hominy 3, Precinct Upper Hominy 1 & 3; **HENDERSON, POLK.**

- 49th (1) **BUNCOMBE:** Precinct Asheville 01, Precinct Asheville 02, Precinct Asheville 03, Precinct Asheville 04, Precinct Asheville 05, Precinct Asheville 06, Precinct Asheville 07, Precinct Asheville 08, Precinct Asheville 09, Precinct Asheville 10, Precinct Asheville 11, Precinct Asheville 12, Precinct Asheville 13, 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 24; **Tract 12:** Block Group 5: Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5026, Block 5027, Block 5028; **Tract 13:** Block Group 2: Block 2015, Block 2016, Block 2018, Block 2023, Block 2024, Block 2025, Block 2027; **Tract 23.02:** Block Group 3: Block 3064, Block 3987; **Tract 25.02:** Block Group 4: Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4024, Block 4025, Block 4026, Block 4027, Block 4028, Block 4029, Block 4030; Block Group 6: Block 6000, Block 6007, Block 6008, Block 6009, Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6016, Block 6017, Block 6019, Block 6020, Block 6021, Block 6022, Block 6023, Block 6024, Block 6026, Block 6027, Block 6028, Block 6029, Block 6030; Precinct Asheville 25, Precinct Asheville 26, Precinct Asheville 27, Precinct Asheville 28, Precinct Black Mountain 1, Precinct Black Mountain 2, Precinct Black Mountain 3, Precinct Black Mountain 4, Precinct Black Mountain 5, Precinct Flat Creek, Precinct French Broad, Precinct Hazel 1, Precinct Hazel 2, Precinct Ivy 1 & 2, Precinct Leicester 1, Precinct Leicester 2 & Sandy Mush, Precinct Lower Hominy 2, Precinct North Buncombe, Precinct Reems Creek, Precinct Reynolds, Precinct Riceville 1 & Swannanoa 2, Precinct Riceville 2 & Swannanoa 3, Precinct Swannanoa 1, Precinct Upper Hominy 2, Precinct Weaverville, Precinct West Buncombe 1, Precinct West Buncombe 2, Precinct Woodfin, Precinct Woodland Hills.
- 50th (1) **CHEROKEE, CLAY, GRAHAM, HAYWOOD:** Precinct Cecil, Precinct East Fork, Precinct Pigeon, Precinct Pigeon Center; **JACKSON, MACON, SWAIN, TRANSYLVANIA.**
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SENATE RESOLUTIONS**2005 SESSION**

Adopted February 15, 2005 (See page 100.)

S.R. 57. A SENATE RESOLUTION HONORING THE COURAGEOUS ACTIONS OF THE IRAQI CITIZENS WHO VOTED IN THEIR COUNTRY'S FIRST FREE ELECTION IN FIFTY YEARS AND HONORING THE COMMITMENT, BRAVERY, AND SACRIFICE OF THE UNITED STATES AND COALITION FORCES IN IRAQ.

Whereas, today, North Carolinians honor the incredible courage of the Iraqi voters who took part in the democratic election on January 30, 2005, to determine their own destiny; and

Whereas, the success of this election illuminates the hard work, dedication, and courage of the men and women who serve the United States military as well as the coalition forces who made this possible; and

Whereas, this election will shine as a beacon of freedom to the world, proving that the steadfast resolve and determination of those seeking freedom will prevail over those seeking to destroy it; and

Whereas, this election is an historic occasion in not only the triumph over terrorism in Iraq and the Middle East, but also in the triumph over terrorism and tyranny worldwide; Now, therefore,

Be it resolved by the Senate:

SECTION 1. The Senate honors the courageous actions of the Iraqi people who participated in the historic election of January 30, 2005, and commends the thousands of military men and women who helped make the election possible. The Senate further hopes that freedom will continue to prevail wherever peace-loving societies recognize and honor the sacrifices and commitment required to earn it.

SECTION 2. The Senate honors the memory of the brave men and women who have lost their lives while deployed in Iraq, including United States Army Spc. Christopher K. Hill of Mecklenburg County.

SECTION 3. This resolution is effective upon adoption.

Adopted February 8, 2005 (See page 81.)

S.R. 67, A SENATE RESOLUTION HONORING GEORGE HENRY WHITE, FORMER MEMBER OF THE GENERAL ASSEMBLY AND THE UNITED STATES HOUSE OF REPRESENTATIVES.

Whereas, George Henry White was born a slave on December 18, 1852, in Bladen County; and

Whereas, George Henry White was educated at the Whitten School in Lumberton, North Carolina, and graduated from Howard University in 1877; and

Whereas, George Henry White, after graduating from college, returned to North Carolina where he settled in New Bern and served as a teacher, principal, and attorney from 1877 to 1894; and

Whereas, George Henry White served with honor and distinction as a member of the General Assembly after being elected to the North Carolina House of Representatives in 1880 and to the North Carolina Senate in 1884; and

Whereas, George Henry White served two four-year terms as a State District Attorney for the Second Judicial District of North Carolina beginning in 1886, during which time he was the only African-American district attorney in the United States; and

Whereas, George Henry White and his family moved to Tarboro in 1894, and subsequently he was elected to two terms in the United States House of Representatives from the Second Congressional District in 1896 and 1898; and

Whereas, George Henry White was the only African-American in the United States Congress during his two terms and was the highest ranking elected African-American in the United States, thereby representing not only all the citizens of the Second Congressional District of North Carolina but also all 10 million African-Americans in the country who had no voice in Congress at that time; and

Whereas, George Henry White was the last African-American to serve in Congress until 1928 and the last African-American to be elected from the South until after the passage of the Voting Rights Act of 1965; and

Whereas, George Henry White was known as an eloquent speaker and, prior to his departure from Congress, gave his farewell speech on January 29, 1901, in which he said: "This, Mr. Chairman, is perhaps the Negroes temporary farewell to the American Congress; but let me say, phoenix-like he will rise up someday and come again. These parting words are in behalf of an outraged, heartbroken, bruised, and bleeding, but God-fearing people, faithful, industrious, loyal, rising people—full of potential force."; and

Whereas, George Henry White moved to Philadelphia in 1905, where he practiced law and founded the first black-managed bank in the city; and

Whereas, George Henry White died in 1918, but his service to this State and nation during a time of great conflict and unrest continues to inspire and encourage many; and

Whereas, George Henry White recently received a long overdue honor when a post office in Tarboro was named for him, and a portrait of him was hung in the Edgecombe County Courthouse; Now, therefore,
Be it resolved by the Senate:

SECTION 1. The Senate honors the life of George Henry White and acknowledges the accomplishments and public service of this great native son.

SECTION 2. This resolution is effective upon adoption.

Adopted March 10, 2005 (See page 204.)

S.R. 220, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:

SECTION 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Committee on Education/Higher Education (hereinafter referred to as the "Senate Committee") to choose nominees for each opening on the Board of Governors of The University of North Carolina to which the Senate is to elect members.

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the Board of Governors of The University of North Carolina from Monday, March 14, 2005, through Friday, March 18, 2005. In 2005, the total number of positions is eight. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate. Only a written nomination on a form provided by the cochairs of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk on or after Monday, March 14, 2005, and no later than 5:00 P.M. on Friday, March 18, 2005, shall constitute formal proposal of a candidate. Delivery of a nomination form by facsimile transmission shall not constitute a formal proposal of a candidate.

3. A Senator may propose candidates for nomination only for the openings available for election by the Senate. In the 2005 Session of the General Assembly, the Senate will elect eight persons for four-year terms.

4. On or after March 19, 2005, the Senate Committee shall list all proposed candidates for nomination. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally qualified candidates lists no more than twice the number of candidates for the total seats open.

5. The cochairs of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsor.

6. Senate Committee nominees shall be placed before and recommended to the Senate for election.

II. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the cochairs of the Senate Committee for the use of the Senate.

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged alphabetically by surname.

3. The Senate shall hold its election no later than the beginning of the daily session on April 6, 2005. Before the voting begins, one of the cochairs of the Senate Committee shall explain the voting rules, which are:

- (a) No nomination shall be received from the floor.
- (b) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting.

- (c) Each member present and voting shall vote for as many nominees as there are positions to be filled, and any ballot not so marked shall be deemed void.
- (d) If fewer than eight nominees receive the votes of a majority of all members present and voting, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest numbers of votes cast; and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.
- (e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with the North Carolina Constitution, Article II, Section 13.
- (f) If more than eight nominees receive the votes of a majority of all members present and voting, then the eight nominees receiving the highest numbers of votes shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for eight persons, for four-year terms.

Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The cochairs of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by the Principal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.

6. When the cochairs of the Senate Committee have determined that the Senate has chosen eight persons to serve as members of the Board of Governors for terms of four years, the President of the Senate shall declare those eight persons to have been elected.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the cochairs of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate and of the term for which each person was elected.

SECTION 2. As used in this resolution, the term "cochairs" means the cochairs of the Senate Committee.

SECTION 3. This resolution is effective upon adoption.

Adopted May 11, 2005 (See page 543.)

S.R. 1174, A SENATE RESOLUTION AMENDING THE PERMANENT RULES OF THE SENATE TO EXTEND THE CROSSOVER DATE.

Be it resolved by the Senate:

SECTION 1. Senate Rule 41 of the 2005 Regular Session reads as rewritten:

"**RULE 41. Crossover bill deadline.** – In order to be eligible for consideration by the Senate during the 2005 or 2006 Regular Sessions of the 2005 General Assembly, all House bills other than those required to be referred to the Committee on Finance or the Committee on Appropriations/Base Budget by Rule 42 or adjournment resolutions must be received and read on the floor of the Senate as a message from the House no later than ~~May 19,~~ June 2, 2005, provided that a message from the House received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this rule and provided that the House accepts Senate bills ordered engrossed on the next legislative day."

SECTION 2. This resolution is effective upon adoption.

Adopted July 13, 2005 (See page 872.)

S.R. 1177, A SENATE RESOLUTION CONGRATULATING ROBERT C. SOLES AND MYRTLE NORRIS SOLES ON THEIR SEVENTY-FIFTH WEDDING ANNIVERSARY AND DECLARING ROBERT C. "R.C." SOLES, JR. TO BE A NORTH CAROLINA INSTITUTION.

Whereas, Robert C. Soles and Myrtle Norris Soles of Tabor City, North Carolina, will be celebrating 75 years of marriage on July 13, 2005; and

Whereas, Robert C. Soles met the love of his life, Myrtle Norris, while they were students at Tabor City High School, where they became high school sweethearts; and

Whereas, Myrtle served as Class President and both Robert and Myrtle played for their high school basketball teams; and

Whereas, Robert was a successful merchant in Tabor City for many years and took an active role in the affairs of his community; and

Whereas, Robert was a member of the Tabor City Town Council and served as Mayor of the Town for more than 10 years; and

Whereas, Robert and Myrtle have been ardent supporters of education; and

Whereas, Robert served on the Board of Trustees of Campbell University for more than 20 years and was named the university's first lifetime trustee, and Myrtle served as a member of the Board of Trustees of Southeastern Community College; and

Whereas, Robert and Myrtle have established a scholastic trust fund at both Campbell University and Southeastern Community College; and

Whereas, Robert and Myrtle continue to be involved in their community and are lifelong members of the Tabor City Baptist Church; and

Whereas, Robert and Myrtle are the proud parents of a son, Robert Charles "R.C." Soles, Jr., and a daughter, Darcus Soles Woody, and the doting grandparents of two grandchildren and two great grandchildren; and

Whereas, R.C. Soles, Jr. has served 19 consecutive terms in the North Carolina General Assembly, serving four terms in the House of Representatives from 1969 to 1976 and serving 15 terms in the Senate from 1977 to the present; and

Whereas, as a member of the General Assembly, R.C. Soles, Jr. has made great contributions as a State leader, chairing and serving on various committees, including Judiciary, Finance, Commerce, Public Utilities, and Rules and Operations of the Senate; and

Whereas, R.C. Soles, Jr. holds the historic distinction of having served the most consecutive terms in the General Assembly of any member in history; and

Whereas, Senator R.C. Soles' years of public service and his parents' 75th wedding anniversary are worthy of recognition and celebration; Now, therefore, Be it resolved by the Senate:

SECTION 1. The Senate congratulates Robert C. Soles and Myrtle Norris Soles on their 75th wedding anniversary and declares Senator Robert C. "R.C." Soles, Jr. to be a North Carolina Institution for his many years of public service.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to Robert C. and Myrtle Norris Soles, Senator Robert C. "R.C." Soles, Jr., and to Darcus Soles Woody.

SECTION 3. This resolution is effective upon adoption.

**EXECUTIVE ORDERS
of the
GOVERNOR OF THE STATE
OF NORTH CAROLINA**

In compliance with G.S. 150A (Art. 5) and Chapter 479 (S.B. 1 [Sec. 152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued following adjournment of the 2005 Session on September 2, 2005.

The full text of Executive Orders 61 through 80 issued by Governor Michael F. Easley can be found in the Session Laws of the 2005 General Assembly Regular Session.

Executive Order	Title	Date of Issuance
61	Public School Funding	July 28, 2004
62	Proclamation of State of Disaster for Dare and Hyde Counties	August 6, 2004
63	Proclamation of State of Disaster By The Governor of the State of North Carolina	August 13, 2004
64	Emergency Relief for Damage Caused By Hurricane Charley	August 18, 2004
65	Proclamation of State of Emergency by the Governor of the State of North Carolina	September 7, 2004
66	Proclamation of State of Disaster by the Governor of the State of North Carolina	September 9, 2004
67	Emergency Relief for Damage Caused by Hurricanes Charley and Frances	September 10, 2004
68	Proclamation of a State of Emergency and State of Disaster by the Governor of the State of North Carolina	September 16, 2004
69	Emergency Relief for Damage Caused by Hurricane Ivan	September 17, 2004
70	Proclamation of State of Emergency by the Governor of the State of North Carolina	September 27, 2004
71	Proclamation of State of Emergency by the Governor of the State of North Carolina	January 19, 2005

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|----|---|-------------------|
| 72 | Termination of Executive Orders
45 and 71 | January 27, 2005 |
| | Notice of Termination of
Proclamation of State of Disaster and State of Emergency
by the Governor of the State of North Carolina | February 1, 2005 |
| 73 | North Carolina Motorsports
Advisory Council | February 28, 2005 |
| 74 | Replacing Executive Orders No. 75
and 118 Concerning Creation of a Program Office,
a Policy Board, and Advisory Committees to Support
Sustainable Natural Resource and Environmental
Management in the Albemarle-Pamlico Estuarine System | May 16, 2005 |
| 75 | Reestablishing and Modifying
Programs Established Under the Hurricane Floyd
Recovery Act of 1999 (S.L. 1999-463 Extra Session)
and Amending Executive Order #8 | June 10, 2005 |
| 76 | Extending Executive Order No. 1 | June 16, 2005 |
| 77 | Teacher Advisory Committee | June 16, 2005 |
| 78 | Proclamation of State of Disaster
for the Town of Carolina Shores, Town of Leland
and City of Southport (Brunswick County) | July 8, 2005 |
| 79 | North Carolina Film Council | July 15, 2005 |
| 80 | Accelerating Teacher and Other
Personnel Recruitment and the Implementation of
Needed Academic Support Programs for At-Risk Children
in Light of Judicial Mandates, Budget Developments,
and Impending School Openings | July 20, 2005 |
-

January 26, 2005 (See page 6.)

**COLOR GUARD UNIT PISGAH HIGH SCHOOL NAVY JUNIOR ROTC
CANTON, NORTH CAROLINA**

Unit Commanding Officer, Ashley Jackson
Cadet Jessica Hall
Cadet David Rathbone
Cadet Kayla Russell
Cadet Anthony Wilkes

Chief Petty Officer Thomas J. Long, Jr., USN (Ret.), Instructor/Color Guard
Team Coach

DURHAM POLICE DEPARTMENT CHOIR

Master Officer Eric Hester, Director
Officer Leslie Bond
Corporal Gale Campbell, Domestic Violence Investigator
CSI Investigator Drew King
Fraud Investigator Grant Gilliam
Officer Steven Hester, School Resource Officer
Youth Investigator John Suitt, Jr.
Arnetta Herring, Senior Legal Advisor
Gwen Bryant, Crime Analysis
Bob Faggart, Project Safe Neighborhood Coordinator
Deborah Hester, Records Specialist
Carrie Hill, Management Assistant
Zena Sherrill, Records Specialist
Aronda Poole

SENATE COMMITTEE ASSIGNMENTS

COMMITTEE	STANDING MEETING TIME/ROOM
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AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

Tues/Thurs-544 LOB-11:00 AM

Chairman	Senator Albertson
Vice Chairman	Senator Allran
Vice Chairman	Senator Kinnaird
Vice Chairman	Senator Swindell
Vice Chairman	Senator Weinstein
Vice Chairman	Senator Clodfelter
Vice Chairman	Senator Atwater
Ranking Minority Member	Senator Horton
Members	Senators Bingham, Brock, Brown, Cowell, East, Garwood, Hartsell, Holloman, Jenkins, Lucas, Smith, Snow, Thomas, Tillman, Webster

APPROPRIATIONS/BASE BUDGET

Tues/Wed/Thurs-643 LOB-8:30 AM

Co-Chairman	Senator Garrou
Co-Chairman	Senator Hagan
Co-Chairman	Senator Dalton
Vice Chairman	Senator Albertson
Members	Senators Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dannelly, Dorsett, East, Forrester, Garwood, Graham, Hartsell, Holloman, Horton, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein

APPROPRIATIONS ON DEPARTMENT OF TRANSPORTATION

Tues/Wed/Thurs-1027 LB-8:30 AM

Chairman	Senator Jenkins
Vice Chairman	Senator Soles
Ranking Minority Member	Senator Berger of Rockingham
Members	Senators Boseman, Brown, Holloman, Hunt, Shaw

APPROPRIATIONS ON EDUCATION/HIGHER EDUCATION**Tues/Wed/Thurs—414 LOB—8:30 AM**

Co-Chairman	Senator Lucas
Co-Chairman	Senator Swindell
Vice Chairman	Senator Nesbitt
Ranking Minority Member	Senator Garwood
Members	Senators Atwater, Hartsell, Stevens

APPROPRIATIONS ON GENERAL GOVERNMENT AND INFORMATION TECHNOLOGY**Tues/Wed/Thurs—1124 LB—8:30 AM**

Chairman	Senator Dorsett
Vice Chairman	Senator Hoyle
Members	Senators Brock, Cowell, Graham, Jacumin, Smith

APPROPRIATIONS ON HEALTH AND HUMAN SERVICES**Tues/Wed/Thurs—422 LOB—8:30 AM**

Co-Chairman	Senator Purcell
Co-Chairman	Senator Malone
Vice Chairman	Senator Dannelly
Ranking Minority Member	Senator Forrester
Members	Senators Berger of Franklin, Blake, East, Kerr

APPROPRIATIONS ON JUSTICE AND PUBLIC SAFETY**Tues/Wed/Thurs—415 LOB—8:30 AM**

Chairman	Senator Thomas
Vice Chairman	Senator Snow
Ranking Minority Member	Senator Bingham
Members	Senators Apodaca, Kinnaird, Presnell, Rand

APPROPRIATIONS ON NATURAL AND ECONOMIC RESOURCES**Tues/Wed/Thurs—423 LOB—8:30 AM**

Chairman	Senator Weinstein
Vice Chairman	Senator Albertson
Ranking Minority Member	Senator Horton
Members	Senators Clodfelter, Tillman

COMMERCE**Tues/Thurs—1027 LB—11:00 AM**

Chairman	Senator Soles
Vice Chairman	Senator Hoyle
Vice Chairman	Senator Rand
Ranking Minority Member	Senator Berger of Rockingham
Members	Senators Apodaca, Berger of Franklin, Blake, Boseman, Dalton, Dorsett, Forrester, Garrou, Goodall, Graham, Jacumin, Kerr, Malone, Nesbitt, Presnell, Purcell, Shaw, Stevens

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 Member	Senator Allran
Members	Senators Apodaca, Berger of Franklin, Bingham, Dalton, Dannelly, Dorsett, Forrester, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Jenkins, Malone, Nesbitt, Purcell, Rand, Smith, Snow, 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 Member	Senator Hartsell
Members	Senators Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Blake, Boseman, Brock, Cowell, Dalton, Dannelly, Garrou, Goodall, Hagan, Hunt, Jenkins, Kinnaird, Nesbitt, Purcell, Rand, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein

HEALTH CARE**Wed-544 LOB-11:00 AM**

Co-Chairman	Senator Purcell
Co-Chairman	Senator Bingham
Vice Chairman	Senator Allran
Vice Chairman	Senator Dorsett
Ranking Minority Member	Senator Forrester
Members	Senators Berger of Franklin, Dannelly, Garwood, Goodall, Hartsell, Hoyle, Jacumin, Nesbitt, Kinnaird, Lucas, Malone, Rand

INFORMATION TECHNOLOGY**Tues-1125 LB-12:00 Noon**

Chairman	Senator Malone
Vice Chairman	Senator Cowell
Vice Chairman	Senator Graham
Ranking Minority Member	Senator Berger of Rockingham
Members	Senators Atwater, Brock, Dorsett, Goodall, Hagan, Stevens

JUDICIARY I**Tues/Thurs-1027 LB-10:00 AM****Chairman**

Senator Clodfelter

Vice Chairman

Senator Soles

Vice Chairman

Senator Berger of Rockingham

Members

Senators Albertson, Boseman, Brock, Brown, Cowell, Horton, Hoyle, Jenkins, Lucas, Malone, Nesbitt, Presnell, Rand, Stevens, Tillman

JUDICIARY II**Tues/Thurs-1124 LB-10:00 AM****Chairman**

Senator Hartsell

Vice Chairman

Senator Allran

Vice Chairman

Senator Thomas

Ranking Minority Member

Senator Webster

Members

Senators Apodaca, Atwater, Berger of Franklin, Bingham, Dalton, Dannelly, Dorsett, Forrester, Goodall, Graham, Holloman, Jacumin, Kerr, Kinnaird, Snow, Swindell

MENTAL HEALTH & YOUTH SERVICES**Wed-414 LOB-12:00 Noon****Chairman**

Senator Kinnaird

Vice Chairman

Senator Nesbitt

Ranking Minority Member

Senator Forrester

Members

Senators Allran, Bingham, Brock, Brown, Cowell, Dannelly, Goodall, Jacumin, Malone, Purcell, Shaw, Snow, Swindell, Thomas

OPPORTUNITIES AND NEEDS FOR ECONOMIC GROWTH IN NORTH CAROLINA ("ONE NC")**Tues-1027 LB-12:00 Noon****Chairman**

Senator Nesbitt

Vice Chairman

Senator Thomas

Vice Chairman

Senator Weinstein

Vice Chairman

Senator Hartsell

Vice Chairman

Senator Berger of Franklin

Ranking Minority Member

Senator Garwood

Members

Senators Albertson, Allran, Apodaca, Boseman, Brown, Clodfelter, Dalton, Dannelly, East, Forrester, Holloman, Hoyle, Jenkins, Kerr, Rand, Snow, Soles, Swindell

PENSIONS & RETIREMENT AND AGING

	Upon Call of Chairman
Co-Chairman	Senator Garrou
Co-Chairman	Senator Dalton
Co-Chairman	Senator Hagan
Co-Chairman	Senator Allran
Members	Senators Albertson, Atwater, Bingham, Dorsett, East, Forrester, Jenkins, Lucas, Malone, Purcell, Rand, Swindell, Thomas, Weinstein

RULES AND OPERATIONS OF THE SENATE

	Upon Call of Chairman
Chairman	Senator Rand
Vice Chairman	Senator Dalton
Ranking Minority Member	Senator Horton
Members	Senators Albertson, Apodaca, Berger of Rockingham, Brock, Clodfelter, Dorsett, Forrester, Hoyle, Kinnaird, Nesbitt, Pittenger, Soles, Swindell, Thomas

STATE AND LOCAL GOVERNMENT

	Wed-1124 LB-12:00 Noon
Co-Chairman	Senator Holloman
Co-Chairman	Senator East
Vice Chairman	Senator Dorsett
Ranking Minority Member	Senator Hartsell
Members	Senators Albertson, Atwater, Berger of Franklin, Berger of Rockingham, Boseman, Clodfelter, Garwood, Graham, Horton, Presnell, Smith, Soles, Stevens, Weinstein

TRANSPORTATION

	Wed-1027 LB-11:00 AM
Chairman	Senator Shaw
Vice Chairman	Senator Hoyle
Vice Chairman	Senator Boseman
Ranking Minority Member	Senator Horton
Members	Senators Berger of Rockingham, Brock, Clodfelter, East, Graham, Hunt, Jenkins, Presnell, Stevens, Snow, Swindell, Thomas, Tillman, Weinstein

WAYS AND MEANS

	Upon Call of Chairman
Chairman	Senator Dannelly
Vice Chairman	Senator Weinstein
Ranking Minority Member	Senator Allran
Members	Senators Albertson, Goodall, Hartsell, Hoyle, Hunt, Jenkins, Kerr, Lucas, Malone, Swindell

SELECT COMMITTEES**SELECT COMMITTEE ON EMPLOYEE HOSPITAL AND MEDICAL BENEFITS****Chairman**
Members**Upon Call of Chairman**Senator Rand
Senators Clodfelter, Dannelly,
Forrester, Hagan, Hoyle**SELECT COMMITTEE ON HOMELAND SECURITY, EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS****Co-Chairman**
Co-Chairman
Vice Chairman
Vice Chairman
Vice Chairman
Ranking Minority Member
Members**Upon Call of Chairman**Senator Thomas
Senator Nesbitt
Senator Kerr
Senator Rand
Senator Dorsett
Senator Garwood
Senators Allran, Apodaca, Berger of
Rockingham, Boseman, Brown, Dalton,
Dannelly, East, Forrester, Holloman,
Jenkins, Presnell, Snow, Soles**SELECT COMMITTEE ON THE LOTTERY BILL****Chairman**
Members**Upon Call of Chairman**Senator Rand
Senators Apodaca, Berger of Franklin,
Berger of Rockingham, Boseman,
Brown, Clodfelter, Dannelly, Garwood,
Hartsell, Hoyle, Kerr, Lucas, Malone,
Nesbitt, Soles, Thomas, Tillman,
Weinstein**SELECT COMMITTEE ON THE NC STATE EMPLOYEES' DISABILITY PLAN****Chairman**
Members**Upon Call of Chairman**Senator Rand
Senators Apodaca, Bingham, Cowell,
Dalton, Garrou, Hagan, Hartsell, Hoyle,
Kerr, Malone, Purcell, Stevens**JOINT SELECT COMMITTEE ON COUNCIL OF STATE CONTESTED ELECTION****Co-Chairman**
Members**Upon Call of Chairman**Senator Clodfelter
Senators Allran, Hartsell, Malone,
Soles

SENATE STAFF**OFFICE OF THE PRESIDENT**

Lieutenant Governor	Beverly E. Perdue
Administrative Assistant	Sharon Nelson
Chief of Staff	Zach Ambrose
Assistant to Chief of Staff	Sally Holloman
Communications Director	Lew Borman
Legislative Assistant	Anne Canady
Office Manager	Effie Jackson
Research and Policy	Mike 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
Chief of Staff	Norma Mills
General Counsel	Tonya Williams
Administrative Assistant	Suzell Crosswhite
Executive Assistant	Angela Talton
Director, Boards and Commissions and Constituent Services	Lea Dunn Tackett
Director, Special Projects	Chris Dillon
Director, Communications and Research	Amy Fulk
Director, Citizens Affairs	Mary King
Director, Hispanic and Latino Affairs	Matty Lazo-Chadderton
Assistant Director for Communications and Citizens Affairs	Tony Caravano

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 (Resigned)	Chris Evans
General Counsel	Walter Rand
Office Assistant	Judy Tardiff

OFFICE OF THE SENATE REPUBLICAN LEADER

Republican Leader	Phil Berger
Administrative Assistant	Darrell Malcolm
Legislative Assistant	Barbara Eldridge
Research Assistant	Virginia Hebert

OFFICE OF THE PRINCIPAL CLERK

Principal Clerk	Janet B. Pruitt
Administrative Clerks	Paul Curry
	Leigh Goodman
	Harriette Smith McKoy
Assistants	Marty Carrara
	Jacob Daniel
	Ingrid Eubanks
	Leslie Heath
	Charlotte Johnston
	Joan Jones
	Barbara O'Sullivan
	Shirley Parker
	Judy White
	Wayne White

READING CLERK

Ted Harrison

SENATE CHAPLAIN

The Reverend Mike Morris

OFFICE OF THE SERGEANT-AT-ARMS

Sergeant-at-Arms	Cecil Goins
Deputy Senate Sergeant-at-Arms	Martha S. Dunn
Assistants	
Wade Anders	George Robinson
Ashley H. Baxter	Ernie Sherrell
Curtis Dowd	Ronald Spann
Jon P. Fitchett	Richard Telfair
Charles R. Harper	Leslie Wright
Stanley Johnson	Robert Young
Charles Marsalis	
Mary Perry	

OFFICE OF LEGISLATIVE ASSISTANTS

Director	Joyce Hodge
Assistant to Director	Bonnie McNeil
Page Coordinator	Cindy Garrison
Page Coordinator	Melva McNeil
Page Supervisor	Dorothy Sabow

SENATE LEGISLATIVE ASSISTANTS

Avent-Hurst, Irma	Holloman	State and Local Government
Bagley, Dee	Weinstein	Appropriations on Natural and Economic Resources
Baston, Susan	Graham	
Bishop, Gail	Garrou	Appropriations/Base Budget Pensions & Retirement and Aging
Black, Janet	Jacumin	
Blake, Lorraine	Purcell	Appropriations on Health and Human Services Health and Human Resources
Blalock, Janet	Soles	Democratic Caucus Chair Commerce
Brothers, Nancy	Cowell	
Butler-Perez, Tonia	Lucas	Majority Whip Appropriations on Education/Higher Education Education/Higher Education
Caldwell, Wilma	Substitute	
Cameron, Phyllis	Dorsett	Appropriations on General Government and Information Technology
Chriscoe, Judy	Bingham	Health Care
Clark, Genie	Horton	
Costello, Evelyn	Rand	Majority Leader Rules and Operations of the Senate Select Committee on Employee Hospital and Medical Benefits Select Committee on Insurance and Civil Justice Reform Select Committee on the Lottery
Dalton, Brian	Dalton	
Dalton, Lucille	Dalton	Appropriations/Base Budget Pensions & Retirement and Aging
David-Yerumo, Bernie	Lucas	Majority Whip Appropriations on Education/Higher Education Education/Higher Education
Davis, Cindy	Albertson	Democratic Caucus Secretary Agriculture/Environment/Natural Resources
Davis, Kathy	Hunt	
Eldridge, Barbara	P. Berger	Republican Leader

Fitzgerald, Mona	Dalton	Appropriations/Base Budget Pensions & Retirement and Aging
	Soles	Permanent Democratic Caucus Chair Commerce
Funderburk, Elaine	Substitute	
Gheen, Bill	Webster	
Gooden, Carolyn	Jenkins	Appropriations on Department of Transportation
Gruenebaum, Alicia	Substitute	
Gunter, Susanne	Thomas	Appropriations on Justice and Public Safety Select Committee on Homeland Security, Emergency Management, and Military Affairs
Halifax, Peggy	Pittenger	Assistant Republican Leader
Hall, Yvonne	Tillman	Republican Whip
Hartsell, Evelyn	Kerr	Finance
Hebert, Virginia	P. Berger	Republican Leader
Hedspeth, Becky	Purcell	Appropriations on Health and Human Services Health and Human Resources
Henderson, Surena	Brown	
Hocutt, Barbara	Substitute	
Hodge, Dee	Dannelly	Deputy President <i>Pro Tempore</i> , Ways & Means
Howell, Claudette	Malone	Appropriations on Health and Human Services Information Technology
Hudson, Mo	Swindell	Appropriations on Education/Higher Education Education/Higher Education
Johnson, Gerry	Hartsell	Judiciary II
Johnson, Luci	Substitute	
Joyner, Wanda	Clodfelter	Judiciary I Select Committee on Insurance and Civil Justice Reform Select Committee on Council of State Contested Elections
Keen, Blair	Smith	
Kidd, Anna	Blake	
King, Mary	Basnight	President <i>Pro Tempore</i>
Krishnaraj, Sarah Lane	Kinnaird	Mental Health and Youth Services
Laton, Linda	D. Berger	
Leatherman, Joan	Soles	Permanent Democratic Caucus Chair Commerce

Lee, Barbara	Shaw	Transportation
Lee, Jan	Nesbitt	Opportunities and Needs for Economic Growth in North Carolina Select Committee on Homeland Security, Emergency Management and Military Affairs
Long, Helen	East	
Malcolm, Darrell	P. Berger	Republican Leader
Mangum, DeAnne	Kerr	Finance
McBride, Sue	Substitute	
McNeil, Bonnie	Malone	Appropriations on Health and Human Services
Midgette, Melissa	Hagan	Appropriations/Base Budget Pensions & Retirement and Aging
Minard, Chris	Garrou	Appropriations/Base Budget Pensions & Retirement and Aging
Miles, Joyce	Swindell	
Misner, Patricia	Dalton	Appropriations/Base Budget Pensions & Retirement and Aging
Murphy, Sarah	Substitute	
Parrish, Claudette	Nesbitt	Opportunities and Needs for Economic Growth in North Carolina Select Committee on Homeland Security, Emergency Management and Military Affairs
Perryman, Barbara	Boseman	
Phillips, Marian	Hagan	Appropriations/Base Budget Pensions & Retirement and Aging
Pollock, Owen	Graham	
Porter, Phyllis	Garwood	Education/Higher Education
Porter, Rene	Shaw	Transportation
Pulley, Nancy	Apodaca	Deputy Republican Leader
Raupe, Joel	P. Berger	Republican Leader
Resar, Carol	Atwater	
Rhodes, Kleist	Stevens	
Sears, Sylvia	Kerr	Finance
Shubert, Fern	Webster	
Slocum, Elizabeth	Goodall	
Sommer, Jan	Hoyle	Finance
Spears, Vickie	Thomas	Appropriations on Justice and Public Safety Select Committee on Homeland Security, Emergency Management, and Military Affairs

Tardiff, Judy	Rand	Majority Leader Rules and Operations of the Senate Select Committee on Employee Hospital and Medical Benefits Select Committee on Insurance and Civil Justice Reform Select Committee on the Lottery Pensions & Retirement and Aging
Walker, Carole	Allran	
Walker, Tabatha	Brock	
Watson, Mary	Forrester	
Waugaman, Dot	Boseman	
Williams, Penny	Hoyle	Finance
Wilson, Anne	Substitute	
Wilson, Tiffani	Shaw	
Young, Kathie	Kinnaird	Mental Health and Youth Services

SENATE INTERNS 2005 SESSION

Billings, Mary	Hoyle
Canty, Jayme	Kinnaird
Cupito, Emily	Clodfelter
Donaldson, Anthony J.	Dannelly
Doorhy, Shawn	D. Berger (Volunteer)
Gonzalez, Virginia	Clodfelter
Hale, Sherri	Lucas
Halfhill, Benjamin	Hagan
Holton, Andrew	Garrou
Houper, Niki	Dalton
Humphrey, David	Apodaca
Isenhour, Kary	P. Berger
Jenkins, John	Hoyle
Johnson, Harry	Dorsett
Lundy, Eric	Stevens (Volunteer)
McDougald, Nikki	Lucas
Nicholl, Teresa	P. Berger
Prateeti, Khazanie	Kinnaird
Krishnaraj, Arun	Kinnaird (Volunteer)
Lopez, Jacqueline	Albertson
Lundy, Eric	Stevens (Volunteer)
Marcum, Heather	Dalton
Melchior, Frank	Horton
Melton, Arthur	Stevens
Overstreet, Julie	Basnight
Perry, Warren	Forrester
Pugh, Alexis	Holloman
Seliski, Oni	Graham
Serushyna, Angeline	Malone
Sjogren, Danae	Purcell
Thompson, Kate	Cowell
Vitalis, Lavada	Dorsett

**SENATE PAGES
2005 SESSION**

Ben Abele, Yanceyville
Anna Barbara Adams, Dunn
Karla Paige Albertson, Beulaville
Krysten Alexander, Gastonia
Caroline Lindsay Allen, Rock Hill
Justin E. Allen, Goldsboro
Sarah Allen, Raleigh
Katelin MacGregor Allison, Statesville
Thomas Wilkens Allison, Statesville
Catherine Allran, Hickory
Christopher Craig Altman,
Fuquay-Varina
Christopher B. Archer,
Holly Springs
Cameron Patrick Atkins,
Wilmington
William Atwater, Chapel Hill
Elizabeth C. Auten, Dallas
Seth Averette, Lillington
Nicole Aycock, Pikeville
Laura Cherise Ayers, Rocky Mount
Rachael A. Baer, Fayetteville
Derek Baldy, Raleigh
Leah McRae Ball, Weaverville
Nicholas Alan Baratta, Cary
Austin Barnard, Raleigh
Corey Barnard, Raleigh
Jairus I. Barnes, Goldsboro
Tracey M. Barnes, Raleigh
Andrew Hunter Barrett,
Holly Springs
Iuvinia R. Basile, Salemburg
Johnsie E. Banguess, Gibsonville
Charity Noel Bazen, Trinity
Cathleen Beal, Gastonia
Emily Bean, Rutherfordton
Clarence Wood Beasley IV, Colerain
Jaclyn A. Beaver, Dallas
Andrew Price Beeson, Advance
Christopher Bell, Shawboro
Geoffrey Alexander Bellew,
Summerfield
Travis Austin Benfield, Mount Holly
Clayton M. Bennett, Raleigh
Mary Rachel Bennett, Raleigh
John William Benning, Louisburg
Alexandra Berger, Cary
Ashley L. Berger, Eden
Kelly Christine Berry, Greensboro
Richard Mark Best, Raleigh
Anjali Bhakta, Raleigh
Spencer Johnson W. Biggs, Edenton
JoEllen Ann Billotte, Apex
Caitlin Elise Black, Bessemer City
Hayley Nicole Black, Valdese
Wendy M. Blackwell, Zebulon
Alyssia Faith Blalock, Raleigh
Austin Stewart Bloom,
Winston-Salem
Elise Blum, Raeford
Christopher Ryan Boggs, Graham
Alexandra Elizabeth Boncek,
Nags Head
Scott Andrew Boone, Mebane
Julie Marie Bounous, Valdese
Virginia Boyce, Belmont
H. Hunter Boyd III, Belhaven
Brently Boyte, Eden
Aaron P. Bradley III, Dallas
Laura Anne Bradley, Lexington
Austin Wright Bradshaw, Gastonia
Rachel Bradshaw, Gastonia
Michael Brady, Durham
Brantly B. Braswell, Fuquay-Varina
Meredith E. Braswell, Goldsboro
John Hunter Bratton, Raleigh
Derek B. Breakfield, Bessemer City
Karoline Olivia Briggs, Raleigh
Katie Lynn Brill, Manteo
Cassandra Joanne Broach,
Goldsboro
Hilary Lauren Brockett, Fayetteville
Erica M. Brown, Rose Hill
Marcus Brown, Raleigh

Sarah Brown, Wake Forest
Herbert Scott Bryan, Fayetteville
Dericka Tot Bureson, Marion
Meghan Elizabeth Burris, Lincolnton
Sheniqua D'shon Bynum, Gastonia
Michael R. Carey, Raleigh
Zachary Ryan Carlton, Cary
Joanna Carmel, Chapel Hill
Neil M. Carmichael, Raleigh
Benjamin Carr, Raleigh
Joshua Carswell, Raleigh
Channing K. Carter, Greensboro
Jessie Case, Belmont
Warren Wendell Chancellor,
Charlotte
Katheryn Charlton, Linville Falls
Ashley Chavis, Raleigh
Britney Cherry, Raleigh
Katlin Christian, West End
Mary Lauren Christopher, Gastonia
Tyler Churchill, Carrboro
Sarah Cline, Charlotte
Ariel Cochrane-Brown, Cary
Hayley Cohen, Raleigh
Ashley Canady Colavito, Clayton
Alexandria Conerly, Raleigh
Peter Samuel Coogan, Wake Forest
Jason Lawrence Cooke, Raleigh
Travis Owen Cooke, Greensboro
Courtney Paige Cooper, Gastonia
Nicholas Blake Corbett, Midland
Mariea A. Cotton, Durham
Elizabeth Marie Cottrell, Raleigh
Dillon-Paul Cox, Lenoir
Jonathan Kyle Cox, Tabor City
Samuel Cox, Raleigh
David Craven, Jr., Asheboro
Mary Martin Current, Gastonia
Caroline Katherine Curry, Raleigh
Gregory Keith Cutler, Jr., Frisco
Travis W. Dalton, Oak Ridge
Kristin Danford, Fuquay-Varina
Chase Anderson Daughtridge,
Rocky Mount
Bret Davis, Wilmington
Isaac F. Davis, Wallace

Mark Justin Davis, Rocky Mount
Jessica Amari Davison, Raleigh
Darius Dawson, Fayetteville
Reginald J. Dawson, Fayetteville
Sydney Elizabeth Deal, Newton
Derik Dean, Garner
Amber Denton-Carter, Louisburg
Brandy Disbennett, Elizabeth City
Lennon Glenn Dodson, Stoneville
Caroline Collier Donaldson, Raleigh
Colleen Doorhy, Sanford
Kathryn Nicole Dorminey, Raleigh
Deidre Le' Doux, Raeford
Mary Katherine Dowd, Edenton
Ashlie Nicole Doyle, Raleigh
Thomas Erwin Draper, Raleigh
Olivia Drewry, Kitty Hawk
Riley Driver, Greensboro
Robbie Anne Driver, Rocky Mount
Brent Droege, Durham
Emily Dunn, Greensboro
Courtney East, Elizabeth City
Crystal Nicole East, Elizabeth City
Bethany Ann Eddy, Richfield
David Michael Eick, Cary
John Nolan Eick, Cary
William James Eldridge, Hickory
Kenneth Douglas Elmore,
Lexington
Robert Bruce Ethridge,
Castle Hayne
Amanda Lee Eubanks, Beaufort
Shera St. Clair Farmer, Gastonia
Whitney Faulkner, Youngsville
Sara Fender, Gastonia
Tiffany N. Fielder, Salemburg
Caroline Sian Finch, Goldsboro
Robert H. Fleming, Raleigh
Cornelius Alexander Flowers,
Louisburg
Shar-Narne' LeFleur Flowers,
Louisburg
John Andrew Flynt, Stokesdale
Ali Jo Forester, Wilmington
Kara Glenn Forester, Wilmington
Abigail A. Forrister, Murphy

Ashley Michelle Fowler, Goldsboro
Ashley Nicole Fox, Marion
Jonathan Mills Franco, Fayetteville
Evita Freeman, Greensboro
Whitney Carolyn Freize, Gastonia
Parker T. French, Taylorsville
Jessica Rae Frisbee, Newton
Murphy Brian Fuller, Greensboro
Paris Furst, Wilmington
Lauren Elizabeth Fussell, Wallace
April N. Gaddy, Raleigh
Anna Ryan Galvin, Gastonia
Jazmine Gantz, Raleigh
Christopher Garcia, Salemburg
John F. Gardin, Gastonia
Amelia Gardner, Raleigh
Hallie Garrison, Fayetteville
Jack Hamilton Garvey, Jr.,
Greensboro
Brittany Nicole Gibson, Murphy
Jaderian Gibson, Murphy
Kennedy J. Gilly III, Raleigh
Nicholas Gittin, Elon
Nathan James Glover, Apex
Benjamin Hudson Goldsmith,
Raleigh
Natalie Goodman, Faison
Jesse Gore, Raleigh
Erich P. Grant, Chapel Hill
Bailey Philadelphia Green, Cliffs
Nicole S. Green, Garner
Laura Katherine Greene,
Chapel Hill
Meredith Lynn Greeson, Eden
Jaime Gresalfi, Greensboro
Joseph Morrison Grew, Raleigh
Sarah Griffin, Cary
Millie Marie Griffith,
Elizabeth City
Catherine R. Guffey, Mt. Holly
James B. Gullede, Raleigh
Derrick Gullede, Knightdale
J. Scott Gunn, Burlington
Kelli Gurley, Goldsboro
Jenni Carol Ham, Kinston
Cassidy Hamrick, Rutherfordton
Emery Harris, Greensboro
Jeremy John "JJ" Harris, Knightdale
Jessica Harris, Newport
Sarah Marie Hatcher, Wallace
Jason E. Hawkins, Magnolia
Amy Lee Hester, Newton
Marjorie Danielle Hicks, Raleigh
Erica Bethany Hill, Raleigh
Laurie Hill, Fuquay-Varina
Rebecca Ann Hilton, Statesville
Yuri Stefon Hinton, Henderson
Lauren D. Hodge, Wendell
Charles Hohns, Holly Springs
Jessica Holliday, Cary
Rachel Hollingsworth, Greenville
Mary Catherine Hollowell,
Goldsboro
Stephanie Holton, Columbia
Garland Richard Homes III, Wilson
Triston Neal Hooks, Goldsboro
Christopher Lane Hoover, Richlands
Andrew R. Hopson, Cary
George Robert Horton, Pinehurst
John Hunter Houser, Gastonia
Matthew T. Houston, Pink Hill
David Ross Howard, Jr., Greensboro
Casey Campbell Howell, Manteo
Maria Caitlin Howell, Dallas
Elizabeth Huber, Winston-Salem
Alexandra Huffman, Burlington
Haley Michelle Huggins, Gastonia
Ann Garrett Hughes, Wallace
Jana Valon Hughes, Edenton
Gavin Humphrey, Wilmington
Michael Boyd Hungate, Gastonia
Wallis Fleming Hutchens, Lenoir
Hillary Hutchins, Kitty Hawk
Andrew P. Hutchinson,
North Wilkesboro
Joseph Daniel Hutchinson,
North Wilkesboro
Courtney Nicol Ivey, Mount Olive
Ashley Paige Jeffries, Tarboro
Brandee Jenkins, Gastonia
Brittany Jenkins, Gastonia
Hannah Jessup, King

Bailey Victoire' Johnson, Stanley	Alexandra K. Leonard, Garner
Katherine Marr Johnson, Greensboro	William Douglas Lewis III, Faison
Katherine Johnson, Goldsboro	Elizabeth Lankford Lewis, Fairmont
Adrienne Johnston, Greensboro	Emily Lewis, Raleigh
Logan Joldersma, Advance	Clinton Beringer Lienau, Pittsboro
Evan Thomas Jones, Raleigh	Bright Elizabeth Light, Hickory
Madeline North Jones, Denver	Stephen Litsas, Raleigh
Riley Jones, Gastonia	Charles T. Littleton, Salemburg
Susanne M. Jones, Fayetteville	Selby Alvin Lo, Cary
Sarah Elizabeth Kaplan, Winston-Salem	Alexandra M. Loizias, Wilmington
Jamie Marie Keener, Raleigh	Brent Matthew Longmire, Angier
Emily Frances Kelly, Raleigh	Kathryn Lorbacher, Raleigh
Laura Kennedy, Raleigh	Zachary Love, Gastonia
Stephen Donovan Kent, Greensboro	Alexandra Lowe, Burlington
Samantha Leigh Kessler, Oxford	Laura Anne Lusk, Burnsville
Daniel A. Keys, Boomer	Britany Tianna Lynn, Apex
Jennifer Ann Keys, Boomer	Victoria Ma , Raleigh
Kelly Kilburn, Raleigh	Thomas Preston Mahaffey, Lenoir
Vernon E. King III, Asheboro	Lindsay Maidment, Laurinburg
Curtina King, Fayetteville	Ashley Nicole Maltbia, Detroit, MI
Shaday King, Raleigh	Emily Tyree Mann, Burlington
Thomas A. Kirkland, Wilson	Charles Alexander Martin, Raleigh
Erika Lynne Kiser, Cramerton	Hannah Caldwell Martin, Mount Holly
Larry Michael Koonce, Jr., Fayetteville	Brittney M. Martinez, Salemburg
Wilson Craig Koontz, Lexington	John Harrison Masters, Lumberton
Stephen H. Kouba, Jr., Fayetteville	Brian J. Mathis, Raleigh
Wylie Raymond Kuhn, Advance	Megan Matthews, Calypso
Alexandra Kyerematen, Raleigh	Melanie Matthews, Greensboro
Victoria Kyerematen, Raleigh	Mary Virginia Mayo, Goldsboro
Christopher Muniz Lafargue, New Bern	Stefan Mazzara, Cary
George A. Lampron, Denver	Ashlea Elizabeth McBride, Monroe
Shelly Dale Lancaster, Stantonsburg	Kimberly McCaskill, Gastonia
Chelsea Byrd Lang, Raleigh	Rhonda McCaskill, Gastonia
Ann Mills Lassiter, Winston-Salem	Britney Jean McConnell, Catawba
Kenneth Lathan, Fayetteville	Shadreka McCoy, Gastonia
Jared Alexander Law III, Charlotte	Terron McDougald, Fayetteville
Breanca Sharice Leach, Wake Forest	Karitha McDowell, Gastonia
Casey Ann Ledford, Franklin	Sarah K. McGuire, Eden
Cameron Paul Lee, Cary	Cory McInnis, Laurinburg
Hannah Lee, Goldsboro	Caroline McKay, Garner
	Amber Rose McKeithan, Bunn
	Mary Caitlan McKeithan, Laurinburg
	Cherelle McKnight, Lillington
	Kendle McKnight, Wake Forest

Melynda McLaurin, Fayetteville
Michael McMillian, Sanford
Hogan Medlin, Eden
Charles W. Merritt, Gastonia
Brentlee Shawn Metcalf,
Cherryville
Blair Milam, Greensboro
Christopher Dorian Miller,
Charlotte
David Clayton Miller, Laurinburg
John Thomas Miller, Rutherfordton
Joshua Paul Miller, Wake Forest
David Marshal Millican, Greensboro
Ashley Mills, Raleigh
Heather Nicole Millsaps, Garner
Aaron Mintz, Wendell
Hannah Kathryn Mitchell, New Bern
David Franklin Mofford, Hickory
John Andrew Moore III,
Greensboro
Thomas O. Moore IV,
Winston-Salem
Natresha Moore, Wendell
Gage Harrison Mooring,
Rutherfordton
Shelton Morgan, Elizabeth City
Christopher Marcus Morrow,
Lake Junaluska
Warith Farad Muhammad, Jr.,
Winston-Salem
Kevin Myers, Four Oaks
Eric Reed Noble, Fayetteville
Jonathan Noble, Lumberton
Brandon Edward Norman, Charlotte
Louise Carter Northington,
Goldsboro
Virginia Ostgaard, Marion
Jody Nelson Owens, Spruce Pine
Olutoni Oyelowo, Wake Forest
Lida Taylor Pace, Raleigh
Cooper Ashley Padgett, Tobaccoville
Kathryn Brooke Page, Burlington
Brittney Parker, Gastonia
Jordan Michelle Parker, Burlington
Patrick Aaron Parker, Four Oaks
Evan Garrett Parrish, Clayton
Gregory Tyler Parrish, Clayton
Anna Lee Paschal, Raleigh
Laura T. Paschall, Gastonia
Chase Griffin Patillo, Fayetteville
William Patterson, Raleigh
Igor Lawrence Padiaditakis, Raleigh
Sarah Kathleen Peele, Edenton
Dena Peindl, Gastonia
Jacqueline Anne Peindl, Gastonia
Michael Pell, Gibsonville
Brittany Lee Pence, Middlesex
Prateek Peres-Da-Sila, Carrboro
Akeem Tyrone Perez, Raleigh
Wade Robert Perry, Merry Hill
Cameron M. Peters, Gastonia
Savannah G. Phillips, Sylva
Patrick Piche, Wake Forest
Jakay Pierce, New Bern
Rebecca Lynne Pierce, Laurinburg
Jack Plexico, Raleigh
Claire Polk, Rocky Mount
Benjamin C. Pope, Crouse
Bridget Porowski, Raleigh
Jessica Porter, Spring Lake
Scott Possiel, Raleigh
Clarence William Potter, Jr.,
Chapel Hill
Stefanie M. Powers, Lumberton
Amanda Nicole Protzman, Linden
Elizabeth Ivey Purcell, Laurinburg
Ashley Anderson Quarles, Gastonia
Kaila D. Ramsey, Franklin
Hollie Dawn Raney, Purllear
Stephen Rankin, Dallas
Edwin Eborn Rawl, Greenville
Julia Rawl, Greenville
Jennifer Lauren Rea, Plymouth
Margaret Christina Reardon,
Burlington
Sydney Reed, Raleigh
Sean D. Reeves, Raleigh
Victoria Joy Revelle, Durham
Thomas Earl Rhodes, Jr., Goldsboro
Kenneth Joshua Richardson,
Kings Mountain
Elizabeth Pace Riddick, Ahoskie

Deanna Alys Riley, Raleigh
John L. Risoldi, Jr., Kitty Hawk
Karly Marie Rivenbark,
Mount Olive
Kendall Ricardo Roberts, Charlotte
Charles Andrew Robinson, Raleigh
Lacey Robinson, Bessemer City
Stephanie Danielle Robinson,
Wallace
Will Robinson, Greensboro
Trillian Natasia Roper, Middlesex
Peter Allen Rowe, Hickory
Kristen L. Royal, Salemburg
Joel Rubin, Raleigh
Janet Rust, Raleigh
G. Scott Schenk, Jr., Gastonia
Laney R. Schenk, Gastonia
Lilian Schorr, Charlotte
Cyrus B. Scott, Raleigh
Tianna Scriven, Hope Mills
Neil A. Semmler, Charlotte
Eric Levon Setzer, Newton
Jordan Nicole Setzer, Newton
Caitlin Sexton, Wendell
Joshua Sexton, Wendell
Todd Christian Shackelford; Semora
Douglas S. Shadwick, Jr.,
Chapel Hill
Christopher Shaw, Fayetteville
Luke Shawley, Waxhaw
Wayneo Sheppard, Fayetteville
Margarita Constance Shirley,
Durham
Walker Alexander Sigmon, Conover
Justin C. Siler, Salemburg
Andrew Paul Simpson, Cherryville
Shana D. Simpson, Greensboro
Nicholas G. Sipes, Greensboro
Morgan Elizabeth Skilton, Littleton
Bria Sledge, Raleigh
Kaitlyn Dodd Slight, Cary
James Harold Smith III, Burlington
Darius O. Smith, Raleigh
Joshua Omar Smith, Gastonia
Morgan Smith, Cary
Robert Cooper Smith, Burlington

Sarah Beth Smith, King
Timothy Paul Southerland, Waxhaw
Matt Southern, Kernersville
Joshua R. Sparks, Fayetteville
Ashley Spell, Raleigh
Robert Lee Spencer, Gastonia
Eric Wade Spitzer, Raleigh
Natalie Sprague, Raleigh
Allen Stanton, Nashville
Mary Hannah Statham, Greensboro
Matthew Scott Stevens, Mt. Olive
John Stoller, Raleigh
Hunter Thomas Story, Littleton
Sterling Stratton Story, Raleigh
Coty Stroud, Trenton
Margaret Ann Stubblefield,
Burlington
Jonathan Matthew Stutts,
Goldsboro
Joel P. Sullivan, Goldsboro
Amelia Summerell, Greensboro
Katherine Sumner, Gastonia
Sara Phillips Sumner, Gastonia
Justin Lanier Sutton, Raleigh
Bradley Talley, Clayton
Laura Talley, Clayton
Derek Waite Taylor, Elizabethtown
Julia Renee Taylor, Chapel Hill
Laurel L. Taylor, Windsor
Katherine Terry, Pinehurst
Benjamin Theye, Chapel Hill
Clayton Thomas, Cary
Jaleesa Jami Thomas, Raleigh
Milton Thomas, Southern Pines
Shamir Thomas, Southern Pines
Erin Thompson, Concord
William Tyler Thompson,
Rutherfordton
Bettina Thornton, Raleigh
Michael Todd, Holly Springs
Elliott R. Tomlinson, Louisburg
Gabrielle Triplett, Hickory
Alexandra Joy Turpin, Huntersville
Alexander Boone Urquhart, Speed
Emily Shelton Urquhart, Speed
Samantha L. Vandermeade, Clyde

Turner Vaughn, Gastonia
Charles Logan Vester, Spring Hope
Jennifer Austin Wadsworth, Selma
Katherine Elizabeth Wadsworth,
Selma
Cortney Paige Walker, Murphy
Megan Whitney Wall, Newport
Joseph L. Wallace, Greensboro
John D. Walt, Greensboro
Elizabeth Lea Walters, Fairmont
Katie Marie Ward, Morehead City
Victor Taylor Warren, Wake Forest
DeLisa Washington, Clayton
Blake Daniel Waters, Mount Olive
Joseph Wilson Watson, Raleigh
Jonathan C. Watts, Taylorsville
James Harroll Weaver, Goldsboro
Katharine West, Raleigh
Benjamin Wells Weston, Richlands
Douglas Hatley White, Louisburg
William McClanahan White,
Raleigh
Sarah Whited, Burlington
Thomas Christian Whitford,
Wilmington
Matthew Erik Whittenberg,
Huntersville
Christopher David Wiles,
Prospect Hill
Timothy Blaine Wiles, Raleigh
Sarah Elizabeth Wilkinson,
Pinehurst

Heather Willetts, Wilmington
Nicholas Williams, Raleigh
Seth Williford, Wilson
Brittany A. Willis, Hope Mills
Hallie Covington Willis,
Laurinburg
Christopher Aaron Wilson, Leasburg
Meredith Wilson, Gastonia
Michael A. Wilson, Leasburg
Michael D. Wilson, Greensboro
Wimpey, Nicholas Charles
Wimpey, Elizabeth City
Benjamin J. Wines, Goldsboro
Randall Wink, Greensboro
Joseph Winker, Rutherfordton
Emma Marie Witman, Raleigh
Emily Wong, Gastonia
Matthew Tyler Woodlief, Catawba
Paul Edward Woods, Murphy
Sarah E. Woodward, Wilmington
Gresham J. Worrell, Matthews
Faith Marie Wright, Dudley
Franklin Josiah Wright, Dudley
Michael Wright, Ellenboro
Robert Dartez Wright, Henderson
Keifer Wynn, Raleigh
Rooney Wynn, Raleigh
Erin Yarborough, Raleigh
Aaron Blake Yeargin, Virginia Beach, VA
John Calvin Young, Smithfield

PRESIDENT OF THE SENATE APPOINTMENTS

The following appointments to Boards and Commissions were made during 2005 by The Honorable Beverly E. Perdue, Lieutenant Governor and President of the Senate.

	Appointed	Expires
BIOTECHNOLOGY CENTER BOARD OF DIRECTORS		
Bylaws-10/17/2000		
Ms. Patricia R. Morton	6/23/2005	6/30/2007
Ms. Christy Shafer	6/23/2005	6/30/2007
The Honorable Norris Tolson	7/1/2005	6/30/2007
BLUMENTHAL CENTER FOR PERFORMING ARTS BOARD OF TRUSTEES		
Bylaws		
Mr. Richard T. Williams	1/5/2005	11/30/2007
SENTENCING AND POLICY ADVISORY COMMISSION		
G.S. 164-35; SL95-236		
Mr. Luther T. Moore	6/23/2005	6/30/2007
Ms. Cathy B. Purvis	6/23/2005	6/30/2007
SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION		
G.S. 158-8.3		
Mr. Walter Lee Crouch, Jr.	6/23/2005	6/30/2009
Mr. J. D. Willis	10/18/2005	6/30/2007
VAGABOND SCHOOL OF DRAMA BOARD OF DIRECTORS		
Bylaws		
The Honorable John J. Snow, Jr.	4/6/2005	
WESTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION (ADVANTAGEWEST NORTH CAROLINA)		
G.S. 158-8.1		
Dr. Connie M. Haire	6/23/2005	6/30/2009

SENATE PRESIDENT PRO TEMPORE APPOINTMENTS

The following appointments and recommendations to Boards and Commissions were made during 2005 by The Honorable Marc Basnight, President *Pro Tempore*.

	Appointed	Expires
ADMINISTRATIVE PROCEDURE OVERSIGHT, JOINT LEGISLATIVE COMMITTEE		
G.S. 120-70.100		
Senator Martin L. Nesbitt, Jr. (Co-Ch) (Reappointed)	2/9/2005	1/31/2007
Senator Martin L. Nesbitt, Jr. (Co-Ch)	1/3/2005	1/31/2005
Senator Katie G. Dorsett (Reappointed)	2/9/2005	1/31/2007
Senator Katie G. Dorsett	1/3/2005	1/31/2005
Senator Fletcher L. Hartsell, Jr.	2/9/2005	1/31/2007
Senator John H. Kerr III	1/3/2005	1/31/2005
Senator John H. Kerr III (Reappointed)	2/9/2005	1/31/2007
Senator William R. Purcell	2/9/2005	1/31/2007
Senator Richard Y. Stevens (Reappointed)	2/9/2005	1/31/2007
Senator Richard Y. Stevens	1/3/2005	1/31/2005
Senator Scott E. Thomas	2/9/2005	1/31/2007
Senator Hugh Webster	2/9/2005	1/31/2007

ADVISORY BUDGET COMMISSION

G.S. 143-4		
Senator Walter H. Dalton	3/1/2005	1/31/2007
Senator Charlie Smith Dannelly	3/1/2005	1/31/2007
Senator Linda D. Garrou	3/1/2005	1/31/2007
Senator John A. Garwood	3/1/2005	1/31/2007
Senator Kay R. Hagan	3/1/2005	1/31/2007

AGING STUDY COMMISSION

G.S. 120-182		
Senator Charlie Smith Dannelly (Co-Ch)	3/24/2005	6/30/2007
Mr. Brad Allen	3/24/2005	6/30/2007
Senator Austin M. Allran	3/24/2005	6/30/2007
Senator Stan W. Bingham	3/24/2005	6/30/2007
Senator Julia C. Boseman	3/24/2005	6/30/2007
Senator Vernon Malone	3/24/2005	6/30/2007
Mr. Sam Marsh	3/24/2005	6/30/2007
Ms. Judy Pelt	3/24/2005	6/30/2007

President *Pro Tempore* Appointments Appointed Expires

**AGRICULTURE AND FORESTRY AWARENESS STUDY
COMMISSION**

G.S. 120-150

Senator Charlie Albertson	10/6/2005	9/30/2007
Mr. Kendall Hill	10/6/2005	9/30/2007
Ms. Jo Ann Stroud	10/6/2005	9/30/2007
Mr. R. Gerald Warren	10/6/2005	9/30/2007

ALARM SYSTEMS LICENSING BOARD

G.S. 74D-4; SL91-953

Mr. Ralph Brown	9/22/2005	6/30/2008
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APPRAISAL BOARD

G.S. 93E-1

Mr. Henry Faircloth	9/22/2005	6/30/2008
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ATHLETIC TRAINER EXAMINERS BOARD

G.S. 90-524

Dr. Paul Rush	9/22/2005	6/30/2008
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**AUTISM SPECTRUM DISORDER (ASD), LAW ENFORCEMENT,
PUBLIC SAFETY, AND FIRST RESPONDERS (2005)**

G.S. 120-19.6; Letter of 11-21-2005-House Rule 26(a), Senator Rule 31

Senator William R. Purcell (Co-Ch)	11/21/2005	12/31/2006
Senator Thomas M. Apodaca	11/21/2005	12/31/2006
Sheriff Steve Bizzell	11/21/2005	12/31/2006
Ms. Mary Jo Croom	11/21/2005	12/31/2006
Senator James S. Forrester	11/21/2005	12/31/2006
Mr. Joe Kiesenhofer	11/21/2005	12/31/2006
Ms. Tracy McPherson	11/21/2005	12/31/2006
Major David Munday	11/21/2005	12/31/2006
Senator John J. Snow, Jr.	11/21/2005	12/31/2006
Dr. Michael C. Teague	11/21/2005	12/31/2006

BIOTECHNOLOGY CENTER BOARD OF DIRECTORS

Bylaws-10/17/2000

Mr. John Chaffee (Resigned)	9/27/2005	6/30/2007
Dr. Marvin Moss	9/27/2005	6/30/2007
Mr. Milton Prince	9/27/2005	6/30/2007

BRIDGE AUTHORITY

G.S. 136-89.159

Mr. Gene Gregory	9/22/2005	6/30/2007
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**CONSUMER AND ADVOCACY ADVISORY COMMITTEE FOR THE
BLIND**

G.S. 143B-164; SL91-1030

Senator William R. Purcell	7/20/2005	6/30/2007
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President <i>Pro Tempore</i> Appointments	Appointed	Expires
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CANCER COORDINATION AND CONTROL ADVISORY COMMITTEE

G.S. 130A-33.50; SL93-321

Senator Charlie Smith Dannelly	2/24/2005	6/30/2009
Senator James S. Forrester	2/24/2005	6/30/2007
Mrs. Suzan Maddox	2/24/2005	6/30/2009
Senator William R. Purcell	2/24/2005	6/30/2009

CAPITAL FACILITIES FINANCE AGENCY BOARD OF DIRECTORS**G.S. 159D-38; SL85-794**

Mr. Dennis M. Walters	9/22/2005	3/1/2008
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CAPITAL IMPROVEMENTS, JOINT LEGISLATIVE

G.S. 120-258; SL2002-126 Sec. 29.3

Senator Linda D. Garrou (Co-Ch)	11/2/2005	1/31/2007
Senator Walter H. Dalton	11/2/2005	1/31/2007
Senator Charlie Smith Dannelly	11/2/2005	1/31/2007
Senator John A. Garwood	11/2/2005	1/31/2007
Senator Kay R. Hagan	11/2/2005	1/31/2007
Senator Hamilton C. Horton, Jr.	11/2/2005	1/31/2007
Senator S. Clark Jenkins	11/2/2005	1/31/2007
Senator Richard Y. Stevens	11/2/2005	1/31/2007

CAPITAL PLANNING COMMISSION

G.S. 143B-374; SL91-739

Senator Janet Cowell	2/24/2005	1/31/2007
Senator Hamilton C. Horton, Jr.	2/24/2005	1/31/2007
Senator David W. Hoyle	2/24/2005	1/31/2007
Senator Vernon Malone	2/24/2005	1/31/2007

CATAWBA/WATEREE RIVER BASIN ADVISORY COMMISSION

G.S. 77-113; SL2004-83 Sec. 1

Senator Austin M. Allran	9/9/2005	
Senator Daniel G. Clodfelter	9/9/2005	

CEMETERY COMMISSION

G.S. 65-50(a); SL91-959

Mr. Michael Powell	9/22/2005	6/30/2009
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CHILD CARE COMMISSION

G.S. 143B-168.4; SL91-273

Ms. Penny Davis	9/22/2005	6/30/2006
Ms. Carol Eatman	9/22/2005	6/30/2007

President *Pro Tempore* Appointments Appointed Expires

CHILD FATALITY TASK FORCE

G.S. 7B-1402; SL98-202

Senator Austin M. Allran	7/20/2005	1/31/2007
Senator Robert C. Atwater	7/20/2005	1/31/2007
Senator Stan W. Bingham	7/20/2005	1/31/2007
Senator Julia C. Boseman	7/20/2005	1/31/2007
The Hon. Frank E. Emory, Sr.	7/20/2005	1/31/2007
Ms. Elizabeth Froehling	7/20/2005	1/31/2007
The Hon. Frank R. Parrish	7/20/2005	1/31/2007
Sheriff Barbara Pickens	7/20/2005	1/31/2007
Senator William R. Purcell	7/11/2005	1/31/2007
Mrs. Martha Wilson	7/20/2005	1/31/2007

CHIROPRACTIC EXAMINERS STATE BOARD

G.S. 90-139; SL83-717

Dr. Steven Michael Willen	9/22/2005	6/30/2007
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**CLEAN WATER MANAGEMENT TRUST FUND BOARD
OF TRUSTEES**

G.S. 113-145.5

Dr. Yevonne S. Brannon	9/22/2005	6/30/2009
Mr. William E. Hollan, Jr.	9/22/2005	6/30/2009
Mr. Dickson McLean, Jr.	9/22/2005	6/30/2009

**CORRECTIONS, CRIME CONTROL AND JUVENILE JUSTICE
OVERSIGHT COMMITTEE, JOINT LEGISLATIVE**

G.S. 120-70.93

Senator Scott E. Thomas (Co-Ch)	2/25/2005	1/31/2007
Senator Thomas M. Apodaca	2/25/2005	1/31/2007
Senator Stan W. Bingham	2/25/2005	1/31/2007
Senator Daniel G. Clodfelter	2/25/2005	1/31/2007
Senator Robert Lee Holloman	2/25/2005	1/31/2007
Senator Eleanor G. Kinnaird	2/25/2005	1/31/2007
Senator John J. Snow, Jr.	2/25/2005	1/31/2007
Senator A. B. Swindell IV	2/25/2005	1/31/2007

COSMETIC ART EXAMINERS BOARD

G.S. 88B-3

Mrs. Elizabeth Grant	9/23/2005	6/30/2008
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COURTS COMMISSION

G.S. 7A-506

Senator Julia C. Boseman	10/31/2005	6/30/2007
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President <i>Pro Tempore</i> Appointments	Appointed	Expires
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CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

G.S. 17C-3

Mr. T. Wade Anders	9/23/2005	6/30/2008
Ms. Bonnie Boyette	9/23/2005	6/30/2008
Mr. Robert C. Lewis	9/23/2005	6/30/2008
Mr. Terry Lee Waterfield	9/23/2005	6/30/2008

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

G.S. 143B-273.6; SL93-534

Ms. Laura DeVan	11/29/2005	11/30/2008
Senator Scott E. Thomas	2/25/2005	11/30/2006
The Rev. Reginald Wells	11/29/2005	11/30/2007

COUNCIL FOR THE DEAF AND HARD OF HEARING

G.S. 143B-216.32; SL93-551

Senator William R. Purcell	7/19/2005	6/30/2009
Senator A. B. Swindell IV	7/19/2005	6/30/2009

DIETETICS/NUTRITION BOARD

G.S. 90-353; SL91-668

Dr. Joye K. Willcox	9/23/2005	6/30/2008
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DISPUTE RESOLUTION COMMISSION

G.S. 7A-38.2(c)

Ms. Diann Seigle	9/22/2005	6/30/2008
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DOMESTIC VIOLENCE COMMISSION

G.S. 143B-394.15; SL1999-237 Sec. 24.2b

Mrs. Barbara Arnold	9/22/2005	8/31/2007
Senator Julia C. Boseman	11/18/2005	8/31/2007
Ms. Lynn Bryant	9/22/2005	8/31/2007
Ms. Jan Capps	9/22/2005	8/31/2007
Ms. Betsy Wells	9/22/2005	8/31/2007

e-NC AUTHORITY

G.S. 143B-437

Mr. Jon Hamm	9/22/2005	12/31/2006
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EASTERN BAND OF THE CHEROKEE ADVISORY COUNCIL

G.S. 143B-411.1; SL89-727

Senator Martin L. Nesbitt, Jr.	2/25/2005	6/30/2006
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President *Pro Tempore* Appointments Appointed Expires

**EASTERN REGION DEVELOPMENT COMMISSION (FORMERLY:
GLOBAL TRANSPARK DEVELOPMENT COMMISSION)**

G.S. 158-35(a)

Mr. J. Richard Futrell, Jr. 11/8/2005 6/30/2009

Mrs. Leigh Harvey McNairy 11/8/2005 6/30/2007

ECONOMIC DEVELOPMENT BOARD

G.S. 143B-434

Senator David W. Hoyle 7/21/2005 6/30/2009

Senator Martin L. Nesbitt, Jr. 7/21/2005 6/30/2008

ECONOMIC INVESTMENT COMMITTEE

G.S. 143B-437.48; SL2002-172 Sec. 2.1(a)

Mr. W. Harrell Everett 1/24/2005 1/21/2007

EDENTON HISTORICAL COMMISSION

G.S. 143B-98; SL79-733

Mrs. Elizabeth Allen Bryant 12/20/2005

Mr. Don Jordan 12/20/2005

Mr. Frank Palm 12/20/2005

Mr. Benbury Wood, Jr. 12/20/2005

EDUCATION COMMISSION OF THE STATES

G.S. 115C-104

Senator Vernon Malone 3/16/2005 12/31/2007

EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.80

Senator A. B. Swindell IV (Co-Ch) 3/23/2005 1/31/2007

Senator Thomas M. Apodaca 3/23/2005 1/31/2007

Senator Robert C. Atwater 3/23/2005 1/31/2007

Senator Janet Cowell 3/23/2005 1/31/2007

Senator Charlie Smith Dannelly 3/23/2005 1/31/2007

Senator John A. Garwood 3/23/2005 1/31/2007

Senator Kay R. Hagan 3/23/2005 1/31/2007

Senator Fletcher L. Hartsell, Jr. 3/23/2005 1/31/2007

Senator Jeanne Hopkins Lucas 10/12/2005 1/31/2007

Senator Vernon Malone 2/23/2005 1/31/2007

Senator Martin L. Nesbitt, Jr. 3/23/2005 1/31/2007

Senator Richard Y. Stevens 3/23/2005 1/31/2007

Senator Scott E. Thomas 3/23/2005 1/31/2007

President *Pro Tempore* Appointments Appointed Expires

EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN COUNCIL

G.S. 115C-121

Senator Robert C. Atwater (Reappointed)	11/2/2005	6/30/2007
Senator Robert C. Atwater	2/28/2005	6/30/2005
Ms. Shelia Knapp	11/2/2005	6/30/2007

ELECTROLYSIS EXAMINERS BOARD

G.S. 88A-5; SL89-1033

Ms. Margaret Wingate	9/22/2005	8/31/2008
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EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

G.S. 143-510; SL91-739

Dr. Steven Edward Landau	9/22/2005	6/30/2008
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ENERGY AND FUEL COSTS (2005), JOINT SELECT COMMITTEE

G.S. 120-19.6; Letter of 12-30-2005-House Rule 26(a), Senator Rule 31

Senator S. Clark Jenkins (Co-Ch)	12/30/2005	2/1/2006
Senator Charles W. Albertson	12/30/2005	2/1/2006
Senator Philip E. Berger	12/30/2005	2/1/2006
Senator Doug Berger	12/30/2005	2/1/2006
Senator Stan W. Bingham	12/30/2005	2/1/2006
Senator Julia C. Boseman	12/30/2005	2/1/2006
Senator Daniel G. Clodfelter	12/30/2005	2/1/2006
Senator Charlie Smith Dannelly	12/30/2005	2/1/2006
Senator Linda D. Garrou	12/30/2005	2/1/2006
Senator Malcolm Graham	12/30/2005	2/1/2006
Senator Kay R. Hagan	12/30/2005	2/1/2006
Senator Fletcher L. Hartsell, Jr.	12/30/2005	2/1/2006
Senator David W. Hoyle	12/30/2005	2/1/2006
Senator John H. Kerr III	12/30/2005	2/1/2006
Senator Vernon Malone	12/30/2005	2/1/2006
Senator Tony Rand	12/30/2005	2/1/2006
Senator Larry Shaw	12/30/2005	2/1/2006
Senator Fred Smith	12/30/2005	2/1/2006
Senator John J. Snow, Jr.	12/30/2005	2/1/2006
Senator R. C. Soles, Jr.	12/30/2005	2/1/2006

ENERGY POLICY COUNCIL

G.S. 113B-3

Senator Eleanor Kinnaird	3/2/2005	1/31/2007
Senator Hamilton Horton	3/2/2005	1/31/2007

President *Pro Tempore* Appointments Appointed Expires

ENVIRONMENTAL MANAGEMENT COMMISSION

G.S. 143B-282; SL91-990

Mr. John R. Gessaman	9/22/2005	6/30/2007
Mr. Freddie Harrill	9/22/2005	6/30/2007
The Hon. Thomas K. "Tommy" Jenkins (Resigned)	9/22/2005	6/30/2007
Mr. Forrest Westall	9/22/2005	6/30-2007

ENVIRONMENTAL REVIEW COMMISSION

G.S. 120-70.41; SL1997-31

Senator Charlie W. Albertson (Co-Ch)	10/6/2005	1/31/2007
Senator Daniel G. Clodfelter (Co-Ch)	10/6/2005	1/31/2007
Senator Katie G. Dorsett	10/6/2005	1/31/2007
Senator James S. Forrester	10/6/2005	1/31/2007
Senator Hamilton C. Horton, Jr.	10/6/2005	1/31/2007
Senator Eleanor G. Kinnaird	10/6/2005	1/31/2007
Senator A. B. Swindell IV	10/6/2005	1/31/2007
Senator David Weinstein	10/6/2005	1/31/2007

EQUINE INDUSTRY (2005), JOINT COMMITTEE

G.S. 120-19.6; Letter of 12/08/2005-House Rule 26(a), Senator Rule 31

Senator David F. Weinstein (Co-Ch)	12/16/2005	12/31/2006
Senator Thomas M. Apodaca	12/16/2005	12/31/2006
Mr. Franklin Freeman	12/16/2005	12/31/2006
Senator Kay R. Hagan	12/16/2005	12/31/2006
Senator Hamilton C. Horton, Jr.	12/16/2005	12/31/2006
The Hon. Jeanette Hyde	12/16/2005	12/31/2006
Dr. Jim Meyer	12/16/2005	12/31/2006
Mr. Roger Secrist	12/16/2005	12/31/2006
The Hon. Steven Troxler	12/16/2005	12/31/2006
Mr. Larry B. Wooten	12/16/2005	12/31/2006

FIRE AND RESCUE COMMISSION

G.S. 58-78-1; SL93-155

Mr. William Aubrey Winn	9/22/2005	6/30/2007
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FUNERAL SERVICE BOARD (FORMERLY BOARD OF MORTUARY SCIENCE)

G.S. 90-210.18; SL91-901

Mr. Windell Daniels (Reappointed)	9/22/2005	12/31/2008
Mr. Windell Daniels	1/5/2005	12/31/2005

President <i>Pro Tempore</i> Appointments	Appointed	Expires
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FUTURE OF THE NORTH CAROLINA RAILROAD

G.S. 120-246; SL1999-237 Sec. 27.25

Senator Walter H. Dalton (Co-Ch)	7/28/2005	1/31/2007
Senator Linda D. Garrou	7/28/2005	1/31/2007
Senator Kay R. Hagan	7/28/2005	1/31/2007
Senator Fletcher L. Hartsell, Jr.	7/28/2005	1/31/2007
Senator David W. Hoyle	7/28/2005	1/31/2007
Senator John H. Kerr III	7/28/2005	1/31/2007
Senator Vernon Malone	7/28/2005	1/31/2007
Senator Martin L. Nesbitt, Jr.	7/28/2005	1/31/2007
Senator John J. Snow, Jr.	7/28/2005	1/31/2007

FUTURE STRATEGIES FOR NORTH CAROLINA, JOINT COMMISSION

G.S. 120-84.6

Senator Charles W. Albertson	11/17/2005	1/31/2007
Senator Austin M. Allran	11/17/2005	1/31/2007
Senator Stan W. Bingham	11/17/2005	1/31/2007
Senator Julia C. Boseman	11/17/2005	1/31/2007
Senator Charlie Smith Dannelly	11/17/2005	1/31/2007
Senator John H. Kerr III	11/17/2005	1/31/2007

GENERAL STATUTES COMMISSION

G.S. 164-12

Senator Fletcher L. Hartsell, Jr.	7/26/2005	5/31/2007
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GEOGRAPHIC INFORMATION COORDINATING COUNCIL

G.S. 143-725; SL2001-359

Mrs. Jean Crews-Klein	7/22/2005	5/31/2006
Mr. Thomas B. Gray, Jr.	7/22/2005	5/31/2006
Mr. Richard N. Taylor	7/22/2005	5/31/2006

GLOBAL CLIMATE CHANGE (2005) LEGISLATIVE COMMISSION

SL2005-442

Mr. John Garrou (Co-Ch)	11/30/2005	11/1/2006
Senator Charles W. Albertson	11/30/2005	11/1/2006
Mr. Walter Clark	11/30/2005	11/1/2006
Senator Janet Cowell	11/30/2005	11/1/2006
Dr. Delores Eggers	11/30/2005	11/1/2006
Dr. Edward W. Erickson	11/30/2005	11/1/2006
Senator Robert M. Pittenger	11/30/2005	11/1/2006
Mr. Tim Toben	11/30/2005	11/1/2006
Mr. Ivan Urlaub	11/30/2005	11/1/2006

President <i>Pro Tempore</i> Appointments	Appointed	Expires
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GOLDEN L.E.A.F (LONG-TERM ECONOMIC ADVANCEMENT FOUNDATION) CORPORATION, INC.

SL1999-2; Consent Decree-98CVS14377

Mr. William Clarke	10/27/2005	11/30/2009
Mr. John H. Harmon	10/27/2005	11/30/2009
Mr. Frank B. Holding	10/27/2005	11/30/2008
Mr. David T. Stephenson III	10/27/2005	11/30/2008

GOVERNMENTAL OPERATIONS, JOINT LEGISLATIVE COMMISSION

G.S. 120-73

Senator Charles W. Albertson	2/21/2005	1/15/2007
Senator Thomas M. Apodaca	2/21/2005	1/15/2007
Senator Daniel G. Clodfelter	2/21/2005	1/15/2007
Senator Walter H. Dalton	2/21/2005	1/15/2007
Senator Charlie S. Dannelly	2/21/2005	1/15/2007
Senator James S. Forrester	2/21/2005	1/15/2007
Senator Linda D. Garrou	2/21/2005	1/15/2007
Senator Kay R. Hagan	2/21/2005	1/15/2007
Senator Fletcher L. Hartsell, Jr.	2/21/2005	1/15/2007
Senator David W. Hoyle	2/21/2005	1/15/2007
Senator John H. Kerr III	2/21/2005	1/15/2007
Senator Eleanor G. Kinnaird	2/21/2005	1/15/2007
Senator Jeanne Hopkins Lucas	2/21/2005	1/15/2007
Senator Tony Rand	2/21/2005	1/15/2007
Senator R. C. Soles, Jr.	2/21/2005	1/15/2007
Senator Richard Y. Stevens	2/21/2005	1/15/2007
Senator A. B. Swindell IV	2/21/2005	1/15/2007
Senator Scott E. Thomas	2/21/2005	1/15/2007

GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH DISABILITIES

G.S. 143B-403.1; SL89-121

Ms. Linda Guzman	9/22/2005	6/30/2007
Ms. Thomasine Kennedy	9/22/2005	6/30/2007

GOVERNOR'S COMMISSION ON EARLY CHILDHOOD VISION CARE

G.S. 143B-216.67; SL2005-276 Sec. 10.59F(d)

Dr. William O. Young	12/19/2005	8/30/2006
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GOVERNOR'S CRIME COMMISSION

G.S. 143B-478; SL91-739

Senator Robert Lee Holloman	7/22/2005	2/28/2007
Senator Scott E. Thomas	7/22/2005	2/28/2007

President *Pro Tempore* Appointments Appointed Expires

HEALTH AND WELLNESS TRUST FUND COMMISSION

G.S. 147-86.32; SL2000-147 Sec. 2

The Hon. Mary Ann E. Black	7/22/2005	6/30/2009
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HEALTH CARE OVERSIGHT COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.110

Senator Tony Rand (Co-Ch)	3/2/2005	1/31/2007
Senator Stan W. Bingham	3/2/2005	1/31/2007
Senator Katie G. Dorsett	3/2/2005	1/31/2007
Senator James S. Forrester	3/2/2005	1/31/2007
Senator Linda D. Garrou	3/2/2005	1/31/2007
Senator Fletcher L. Hartsell, Jr.	3/2/2005	1/31/2007
Senator Vernon Malone	3/2/2005	1/31/2007
Senator William R. Purcell	3/2/2005	1/31/2007

HEALTH INSURANCE INNOVATIONS COMMISSION

Mr. Paul Wiles	9/22/2005	9/22/2007
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HOLOCAUST COUNCIL

G.S. 143B-216.20

Mr. Richard Barnes	7/26/2005	6/30/2007
Dr. Rennie Brantz	7/26/2005	6/30/2007
Ms. Bryna Coonin	7/26/2005	6/30/2007
Ms. Bennett Little Cotten	7/26/2005	6/30/2007
Mr. Raymond Lee Holder, Jr.	7/26/2005	6/30/2007
Ms. Marianne Wason	7/26/2005	6/30/2007

HOUSING FINANCE AGENCY BOARD OF DIRECTORS

G.S. 122A-4; SL91-1039

Mr. Dean Carpenter	9/22/2005	6/30/2009
Mr. Sam Ewell, Jr.	9/22/2005	6/30/2009
Mr. John White	9/22/2005	6/30/2009

HOUSING PARTNERSHIP

G.S. 122E-4; SL91-959

The Hon. Vivian Jones	9/22/2005	8/31/2008
Mr. Jeffrey D. Null	9/22/2005	8/31/2008
Ms. Jeanne C. Tedrow	9/22/2005	8/31/2008
Ms. Rita Thuot	9/22/2005	8/31/2008
Ms. Pamela White	9/22/2005	8/31/2008

INCENTIVE BONUS REVIEW COMMITTEE

G.S. 143-345.24

Mr. James Cotton Rawls (Reappointed)	7/29/2005	
Mr. James Cotton Rawls	1/12/2005	

President <i>Pro Tempore</i> Appointments	Appointed	Expires
INDIAN AFFAIRS COMMISSION		
G.S. 143B-404		
Mr. Paul Brooks	9/22/2005	6/30/2007
INDIAN EDUCATION ADVISORY COUNCIL		
G.S. 115C-210		
Senator John J. Snow, Jr.	2/28/2005	1/14/2007
INFORMATION TECHNOLOGY ADVISORY BOARD		
G.S. 147-33.72G; SL2004-129 Sec. 2		
Dr. Lee M. Mandell	2/2/2005	
Mrs. Renee High Martin	3/18/2005	
INFORMATION TECHNOLOGY, JOINT LEGISLATIVE OVERSIGHT COMMITTEE		
G.S. 120-232; SL1999-237 Sec. 22a		
Senator Vernon Malone (Co-Ch)	12/7/2005	8/15/2007
Senator Austin M. Allran	12/7/2005	8/15/2007
Senator Janet Cowell	12/7/2005	8/15/2007
Senator Katie G. Dorsett	12/7/2005	8/15/2007
Senator Kay R. Hagan	12/7/2005	8/15/2007
INFRASTRUCTURE COUNCIL		
G.S. 143B-344.30; SL1998-132 Sec. 14		
Ms. Linda Piron Foster	11/4/2005	6/30/2006
Senator John H. Kerr III	11/4/2005	6/30/2007
Mr. Tyndall Lewis	11/4/2005	6/30/2007
Mr. Dennis Martin	11/4/2005	6/30/2006
Senator Martin L. Nesbitt, Jr.	11/4/2005	6/30/2007
JUDICIAL COUNCIL		
G.S. 7A-409; SL1999-390		
Ms. Jane Griffin	9/29/2005	12/31/2006
JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE		
G.S. 143B-216.60; SL95-507 Sec. 26.9		
Ms Kathryn N. Ahlport	9/23/2005	6/30/2007
Mr. Jesse Basnight	9/23/2005	6/30/2007
Senator Katie G. Dorsett	9/23/2005	6/30/2007
Senator James S. Forrester	9/23/2005	6/30/2007
Ms. Jo Morgan	9/23/2005	6/30/2007
Senator William R. Purcell	9/23/2005	6/30/2007
Ms. Rosemary Summers	9/23/2005	6/30/2007
Ms. Carolyn T. Tracy	9/23/2005	6/30/2007

President <i>Pro Tempore</i> Appointments	Appointed	Expires
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ADVISORY COUNCIL		
G.S. 143B-556		
Senator Eleanor Kinnaird	3/1/2005	12/31/2005
LEGISLATIVE ETHICS COMMITTEE		
G.S. 120-99		
Senator Daniel G. Clodfelter (Co-Ch)	3/4/2005	1/31/2007
Senator Charlie Smith Dannelly	3/4/2005	1/31/2007
Senator Linda D. Garrou	3/4/2005	1/31/2007
Senator John A. Garwood	3/4/2005	1/31/2007
Senator Fletcher L. Hartsell, Jr.	3/4/2005	1/31/2007
LEGISLATIVE RESEARCH COMMISSION		
G.S. 120-30.10		
Senator Charles W. Albertson	3/1/2005	1/31/2007
Senator Austin M. Allran	3/1/2005	1/31/2007
Senator Charlie Smith Dannelly	3/1/2005	1/31/2007
Senator Linda D. Garrou	3/1/2005	1/31/2007
Senator Jeanne Hopkins Lucas	3/1/2005	1/31/2007
LEGISLATIVE SERVICES COMMISSION		
G.S. 120-31		
Senator Thomas M. Apodaca	3/18/2005	1/31/2007
Senator Linda D. Garrou	3/18/2005	1/31/2007
Senator Vernon Malone	3/18/2005	1/31/2007
Senator Tony Rand	3/18/2005	1/31/2007
Senator Larry Shaw	3/18/2005	1/31/2007
Senator R. C. Soles, Jr.	3/18/2005	1/31/2007
Senator Jerry W. Tillman	3/18/2005	1/31/2007
LICENSE TO GIVE TRUST FUND COMMISSION		
G.S. 20-7.5; SL2004-189 Sec. 4(b)		
Mr. William Faircloth	9/22/2005	4/30/2007
Mrs. Jan Frye Hill	11/9/2005	4/30/2007
Mr. Lloyd H. Jordan, Jr.	9/22/2005	4/30/2007
Mr. Rommie Ray	9/22/2005	4/30/2007
LOCAL GOVERNMENT COMMISSION		
G.S. 159-3; SL95-490		
Mr. Marcus Clifton King	9/22/2005	6/30/2009
LOCKSMITH LICENSING BOARD		
G.S. 74F; SL2001-369		
Ms. Laura Busse	9/22/2005	12/31/2009
Mr. Gregory Wright	9/22/2005	12/31/2009

President *Pro Tempore* Appointments Appointed Expires

**MENTAL HEALTH, DEVELOPMENTAL DISABILITIES
AND SUBSTANCE ABUSE SERVICES COMMISSION**

G.S. 143B-147; SL93-396

Dr. Stephen Buie	9/22/2005	6/30/2007
Dr. Bernard H. Sullivan, Jr.	9/22/2005	6/30/2007

**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)	9/28/2005	1/31/2007
Senator Austin M. Allran	9/28/2005	1/31/2007
Senator Janet Cowell	9/28/2005	1/31/2007
Senator Charlie Smith Dannelly	9/28/2005	1/31/2007
Senator James S. Forrester	9/28/2005	1/31/2007
Senator Jeanne Hopkins Lucas	9/28/2005	1/31/2007
Senator Vernon Malone	9/28/2005	1/31/2007
Senator William R. Purcell	9/28/2005	1/31/2007

MILITARY AFFAIRS ADVISORY COMMISSION

G.S. 127C-1; SL2001-424 Sec. 12.1

Mrs. Brenda McFall Dougherty	7/27/2005	12/31/2007
Mr. Alfonzo King	7/27/2005	12/31/2007
Senator Scott E. Thomas	7/27/2005	12/31/2007

MUSEUM OF ART BOARD OF TRUSTEES

G.S. 140-5.13; SL91-756

Ms. Patricia Jackson	9/22/2005	6/30/2007
Mrs. Elizabeth Hobgood Wellons	9/22/2005	6/30/2007

NATIONAL HERITAGE AREA DESIGNATION COMMISSION

Senator John J. Snow, Jr. (Co-Ch)	3/24/2005	12/31/2005
Senator Martin L. Nesbitt, Jr.	3/24/2005	12/31/2005

NATURAL HERITAGE TRUST FUND BOARD OF TRUSTEES

G.S. 113-77.8; SL95-490

Ms. Portia Hawes	9/22/2005	12/31/2009
Ms. Lois Winstead	9/22/2005	12/31/2009

NEW LICENSING BOARDS LEGISLATIVE COMMITTEE

G.S. 120-149.6

Senator Stan W. Bingham	4/19/2005	1/31/2007
Senator Kay R. Hagan	4/19/2005	1/31/2007
Senator David W. Hoyle	4/19/2005	1/31/2007
Senator Vernon Malone	4/19/2005	1/31/2007

**NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC
DEVELOPMENT COMMISSION**

G.S. 158-8.2

Mr. Ernie Bowden	9/22/2005	6/30/2007
Mr. Ray E. Hollowell, Jr.	9/22/2005	6/30/2007
Ms. Elsie Griggs Hollowell-Pugh	9/22/2005	6/30/2007
The Hon. Richard Eugene Rogers	9/22/2005	6/30/2007
The Hon. Robert B. Spivey	9/22/2005	6/30/2007

NURSING CENTER BOARD OF DIRECTORS

G.S. 90-171.71

Mr. Marc Chapel	9/26/2005	6/30/2008
Mr. Robert E. Morrison	9/26/2005	6/30/2007
Ms. Donna Whitley	9/26/2005	6/30/2006

NURSING SCHOLARS COMMISSION

G.S. 90-171.60

Dr. Virginia Adams	9/27/2005	6/30/2009
Ms. Kathy Weeks	9/27/2005	6/30/2009

PARTNERSHIP FOR CHILDREN, INC. BOARD OF DIRECTORS

G.S. 143B-168.12

Mr. C. Lorance Henderson	9/30/2005	12/31/2007
Ms. Marie D. Inscore	10/20/2005	12/31/2007
Ms. Tannis F. Nelson	9/27/2005	12/31/2007

**NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF
TEACHING BOARD OF TRUSTEES (NCCAT)**

G.S. 116-74.6

Ms. Grace Edwards	9/30/2005	6/30/2009
Mr. Kenneth Wayne Wells	9/30/2005	6/30/2009

**PETROLEUM UNDERGROUND STORAGE TANK FUNDS
COUNCIL**

G.S. 143-215.940; SL91-400

Mrs. Anne Coan	9/27/2005	6/30/2007
Mr. Michael Richard Hare	9/27/2005	6/30/2007
Mr. Douglas E. Howey	9/27/2005	6/30/2007
Mr. Thomas Mehder	9/27/2005	6/30/2007
Mr. William Weatherspoon	9/27/2005	6/30/2007

PRIVATE PROTECTIVE SERVICES BOARD

G.S. 74C-4; SL94-ES24

Mr. Richard Allen	9/28/2005	6/30/2008
Mr. Ronald Burris	9/28/2005	6/30/2008

President <i>Pro Tempore</i> Appointments	Appointed	Expires
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PROGRESS BOARD

G.S. 143B-372.1; SL95-117

The Hon. Janice McKenzie Cole	7/27/2005	6/30/2009
Senator A. B. Swindell IV	7/27/2005	6/30/2009
Senator Scott E. Thomas	3/1/2005	6/30/2007

**PUBLIC EMPLOYEE DEFERRED COMPENSATION PLAN,
BOARD OF TRUSTEES**

G.S. 143B-426.24; EO; 95

Mr. Richard Burton	9/28/2005	6/30/2007
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PUBLIC HEALTH STUDY COMMISSION

G.S. 120-195

Senator William R. Purcell (Co-Ch)	3/18/2005	6/30/2006
Senator Robert C. Atwater	3/18/2005	6/30/2006
Senator Katie G. Dorsett	3/18/2005	6/30/2006
Senator James S. Forrester	3/18/2005	6/30/2006
Senator Vernon Malone	3/18/2005	6/30/2006
Mrs. Susan Neely	7/27/2005	6/30/2007
Mr. Robert S. Parker	7/27/2005	6/30/2007

**PUBLIC SCHOOL FORUM OF NORTH CAROLINA, INC.
BOARD OF DIRECTORS**

Bylaws

Senator Robert C. Atwater	3/18/2005	12/31/2006
Senator Walter H. Dalton	3/18/2005	12/31/2006
Senator Katie G. Dorsett	3/18/2005	12/31/2006
Senator Richard Y. Stevens	3/18/2005	12/31/2006

PUBLIC TELECOMMUNICATIONS COMMISSIONERS BOARD

G.S. 143B-426.9

Mr. Anthony M. Copeland	9/28/2005	6/30/2007
Mr. Thomas A. Morrow	9/28/2005	6/30/2007

RAILROAD BOARD OF DIRECTORS

G.S. 124-6(b)

Mr. John Pike	9/28/2005	6/30/2009
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REAL ESTATE COMMISSION

G.S. 93A-3; SL93-419

Mrs. Marsha H. Jordan	9/28/2005	7/31/2008
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RECREATIONAL THERAPY LICENSURE BOARD

G.S. 90C-5; SL85-966

Mr. Ray West	9/30/2005	6/30/2007
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President <i>Pro Tempore</i> Appointments	Appointed	Expires
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REVENUE LAWS STUDY COMMITTEE

G.S. 120-70.105

Senator John H. Kerr III (Co-Ch)	3/4/2005	1/31/2007
Senator Daniel G. Clodfelter	3/4/2005	1/31/2007
Senator Walter H. Dalton	3/4/2005	1/14/2007
Senator Fletcher L. Hartsell, Jr.	3/4/2005	1/31/2007
Senator David W. Hoyle	3/4/2005	1/31/2007
Mr. Leonard W. Jones	3/4/2005	1/31/2007
Mr. J. Micah Pate III	3/4/2005	1/31/2007
Senator Hugh Webster	3/4/2005	1/31/2007

ROANOKE ISLAND COMMISSION

G.S. 143B-131.1; SL93-769

Mr. Tod B. Clissold	9/28/2005	6/30/2007
Mr. Moncie L. Daniels	9/28/2005	6/30/2007
Mr. Barry Wicker	9/28/2005	6/30/2007

RULES REVIEW COMMISSION

G.S. 143B-30.1; SL95-490

Mr. Jim R. Funderburke	9/28/2005	6/30/2007
Mr. Thomas Hilliard III	9/28/2005	6/30/2007
Mr. Robert Saunders	9/28/2005	6/30/2007
Mr. David R. Twiddy	9/28/2005	6/30/2007

SCHOOL OF SCIENCE AND MATHEMATICS BOARD OF TRUSTEES

G.S. 116-233

Ms. Hih Song Kim	9/29/2005	6/30/2009
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SCHOOL TECHNOLOGY COMMISSION

115C-102

Senator Jeanne Lucas	2/2/2005	6/30/2005
Senator A. B. Swindell IV	2/2/2005	6/30/2005
Dr. F. V. Allison, Jr.	2/2/2005	6/30/2005
Mr. Fred Bartholomew	2/2/2005	6/30/2005
Mrs. LaHarve Johnson	2/2/2005	6/30/2005
Mr. Reid Parrott	2/2/2005	6/30/2005

SCIENCE AND TECHNOLOGY BOARD

G.S. 143B-472.80; SL85-757

Mr. Kirk Alan Preiss	9/29/2005	6/30/2007
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President *Pro Tempore* Appointments Appointed Expires

SEAFOOD AND AQUACULTURE, JOINT LEGISLATIVE COMMISSION

G.S. 120-70.60

Senator Charles W. Albertson (Co-Ch)	3/4/2005	1/31/2007
Senator Stan W. Bingham	3/4/2005	1/31/2007
Senator A. B. Swindell IV	3/4/2005	1/31/2007
Senator Scott E. Thomas	3/4/2005	1/31/2007

SEAFOOD INDUSTRIAL PARK AUTHORITY

G.S. 113-315.25; SL89-751

Mr. Russell Lee Stetson	9/29/2005	6/30/2007
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SENTENCING AND POLICY ADVISORY COMMISSION

G.S. 164-35; SL95-236

Senator Eleanor G. Kinnaird	11/8/2005	6/30/2007
Ms. Lao S. Rupert	11/8/2005	6/30/2007
Senator John J. Snow, Jr.	11/8/2005	6/30/2007
Senator Scott E. Thomas	11/8/2005	6/30/2007

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

G.S. 17E-3; SL93-562

The Hon. Rodney Midgett	9/29/2005	6/30/2007
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SOIL SCIENTISTS LICENSING BOARD

G.S. 89F-4; SL95-414

Mr. Edward Hearn	9/29/2005	6/30/2008
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SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION

G.S. 158-8.3

Mr. William W. Phipps	9/29/2005	6/30/2009
Mr. Kenneth Robinette	9/29/2005	6/30/2009
Ms. Jane Smith	9/29/2005	6/30/2009

SOUTHERN DAIRY COMPACT COMMISSION

G.S. 106-811; SL1997-494

Mr. Dewitt Hardee	9/29/2005	6/30/2009
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SOUTHERN GROWTH POLICIES BOARD

G.S. 143-492

Senator Janet Cowell	11/3/2005	6/30/2007
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STATE BOARD OF EDUCATION'S BUSINESS AND EDUCATION TECHNOLOGY ALLIANCE		
SL2002-126 Sec. 7.27(a)		
Senator Linda D. Garrou	11/2/2005	7/1/2007
Dr. Darren Hartness	11/2/2005	7/1/2007
Senator Vernon Malone (Reappointed)	11/2/2005	7/1/2007
Senator Vernon Malone	2/24/2005	7/1/2005
Dr. Larry Price	11/2/2005	7/1/2007
Ms. Betty Weycker	11/2/2005	7/1/2007
Ms. Rita Wyss	11/2/2005	7/1/2007
STATE BUILDING COMMISSION		
G.S. 143-135.25; SL93-561		
Mr. Stephen Criscenzo	9/22/2005	6/30/2008
STATE CAPITOL FOUNDATION INCORPORATED BOARD		
Bylaws		
Senator Vernon Malone	3/7/2005	
STATE LOTTERY COMMISSION		
G.S. 18C-110; SL2005-344 Sec. 1		
Mr. Robert W. Appleton	9/22/2005	8/31/2008
Mr. Malachi J. Greene (Resigned)	9/22/2005	8/31/2007
Ms. Bridget-Anne Hampden	12/14/2005	8/31/2007
STATE PERSONNEL COMMISSION		
G.S. 126-2; SL89-540		
Ms. Robin Adams Anderson	9/27/2005	6/30/2010
STATE PROPERTY COMMISSION		
G.S. 143-735; SL2004-124 Sec. 6. 4(a)		
Mr. Gary Gore	1/11/2005	8/14/2005
Mr. William Hollman (Reappointed)	10/4/2005	8/14/2007
Mr. William Hollman	1/11/2005	8/14/2005
Mr. Robert Patterson	10/4/2005	8/14/2007
Mr. Stan Williams (Reappointed)	10/4/2005	8/14/2007
Mr. Stan Williams	1/11/2005	8/14/2005
STATE PORTS AUTHORITY		
G.S. 143B-452		
The Hon. Derryl Garner	9/27/2005	6/30/2007
SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD		
G.S. 90-113.32		
Mr. David R. Turpin	9/30/2005	6/30/2006

President *Pro Tempore* Appointments Appointed Expires

TEACHER ACADEMY BOARD OF TRUSTEES

SL95-324 Sec. 17.9

Ms. Anna Austin	9/30/2005	6/30/2009
Ms. Lonnia Beam	9/30/2005	6/30/2009
Ms. Gail Gadsden	9/30/2005	6/30/2009

**TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE
MAJOR MEDICAL PLAN BOARD OF TRUSTEES**

G.S. 135-39; SL87-857

Dr. Joseph M. Jenkins	9/30/2005	6/30/2007
Ms. Marion Sullivan	10/4/2005	6/30/2006

**TEACHERS' AND STATE EMPLOYEES' RETIREMENT
SYSTEM BOARD OF TRUSTEES**

G.S. 135-6; SL94-24

Mr. John H. Cilley IV	9/30/2005	6/30/2007
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TEACHING FELLOWS COMMISSION

G.S. 115C-363.22

Dr. Leroy J. Walker	9/30/2005	6/30/2007
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TOBACCO TRUST FUND COMMISSION

G.S. 143-717; SL2000-147 Sec. 3

Mr. William H. Teague	11/10/2005	6/30/2009
Mr. Dan Ward	11/10/2005	6/30/2008

**TRANSPORTATION OVERSIGHT COMMITTEE,
JOINT LEGISLATIVE**

G.S. 120-70.50

Senator S. Clark Jenkins (Co-Ch)	3/1/2005	1/31/2007
Senator Philip E. Berger	3/1/2005	1/31/2007
Senator Hamilton C. Horton, Jr.	3/1/2005	1/31/2007
Senator David W. Hoyle	3/1/2005	1/31/2007
Senator Neal Hunt	3/1/2005	1/31/2007
Senator John H. Kerr III	3/1/2005	1/31/2007
Senator Tony Rand	3/1/2005	1/31/2007
Senator John Snow	3/1/2005	1/31/2007
Senator R. C. Soles, Jr.	3/1/2005	1/31/2007

TURNPIKE AUTHORITY BOARD

G.S. 136-89.182; SL2002-133 Sec. 1

Mr. Laney Wilson	9/30/2005	1/14/2009
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President *Pro Tempore* Appointments Appointed Expires

**UNIVERSITY OF NORTH CAROLINA CENTER FOR PUBLIC
TELEVISION BOARD OF TRUSTEES**

G.S. 116-37.1; SL87-564

Mr. Ashley O. Thrift	9/28/2005	6/30/2007
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UTILITY REVIEW COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.1

Senator David W. Hoyle (Co-Ch)	3/3/2005	1/31/2007
Senator Charles W. Albertson	3/3/2005	1/31/2007
Senator Charlie Smith Dannelly	3/3/2005	1/31/2007
Senator John A. Garwood	3/3/2005	1/31/2007
Senator R. C. Soles, Jr.	3/3/2005	1/31/2007

**VIRGINIA-NORTH CAROLINA HIGH-SPEED RAIL COMPACT
COMMISSION**

G.S. 136-222; SL2004-114

Senator Fletcher L. Hartsell, Jr.	9/30/2005	
Senator S. Clark Jenkins	9/30/2005	

WELL CONTRACTORS CERTIFICATION COMMISSION

G.S. 143B-301.11

Ms. Belinda Ferree	9/30/2005	6/30/2006
Mr. J. Michael Floyd	9/30/2005	6/30/2009
Mr. Elmer Newman	9/30/2005	6/30/2009

**WESTERN NORTH CAROLINA REGIONAL ECONOMIC
DEVELOPMENT COMMISSION (ADVANTAGEWEST NORTH
CAROLINA)**

G.S. 158-8.1

Ms. Sharon Decker	9/30/2005	6/30/2009
Mr. William F. Forsyth	9/30/2005	6/30/2009
The Hon. Joe Sam Queen	9/30/2005	6/30/2009

WILDLIFE RESOURCES COMMISSION

G.S. 143-237

Mr. Russell Maughan Hull, Jr.	9/30/2005	4/24/2007
Mr. John Edward Pechmann	9/30/2005	4/24/2007
Mr. Eugene Price	9/30/2005	4/24/2007
Mr. Robert L. Purcell	9/30/2005	4/24/2007

WIRELESS 911 BOARD

G.S. 62A-22; SL1998-158

Chief Robert Cherry	9/30/2005	6/30/2009
Ms. Betty Dobson	9/30/2005	6/30/2009

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- H 1063 Kill Devil Hills Assessments
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Dr. Michael Brennan, Burlington	849.
Dr. Richard Bruch, Durham	367.
Dr. Timothy P. Bukowski, Raleigh	77.
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Dr. James B. Collins III, Smithfield.....	50.
Dr. David Cook, Winston-Salem.....	779.
Dr. Robert G. Crummie, Rutherfordton.....	344.
Dr. Robin Cummings, Pinehurst.....	609.
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Dr. O'Neill F. D'Cruz, Chapel Hill.....	743.
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Dr. Gayle DiLalla, Raleigh.....	215.
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Dr. Conrad Flick, Raleigh.....	710.
Dr. Richard Foulke, Matthews.....	732.
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Dr. Scott K. Garrison, Raleigh.....	469.
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Dr. Brian M. Go, Raleigh.....	397.
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Dr. Cynthia Hampton, Henderson.....	94.
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Dr. Mark Hennessy, Jacksonville.....	701.
Dr. Douglas Holmes, Raleigh.....	115.
Dr. Janice Huff, Charlotte.....	788.
Dr. Lynn A. Hughes, Concord.....	353.
Dr. Michelle F. Jones, Wilmington.....	464.
Dr. Perry E. Jones, High Point.....	824.
Dr. Jeffrey C. Kafer, Roxboro.....	878.
Dr. Elizabeth P. Kanof, Raleigh.....	343.
Dr. Keith Kittelberger, Raleigh.....	713.
Dr. Michael Lancaster, Chapel Hill.....	656.
Dr. Steven E. Landau, Kenly.....	428, 737.
Dr. F.P.J. Langford, Concord.....	958.
Dr. Edward Lewis, Asheville.....	112.
Dr. Richard V. Liles, Jr., Albemarle.....	681.
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Dr. Robert Majors, Raleigh	359.
Dr. John Mangum, Sanford	841.
Dr. Charles H. Mann, Cary	383.
Dr. Eric W. Mason, Raleigh	481.
Dr. Noel McDevitt, Pinehurst	141.
Dr. Damian McHugh, Apex	911.
Dr. William C. Meyer, Chapel Hill	800.
Dr. Susan R. Mims, Asheville	450.
Dr. Robert Morrell, Jr., Cary	517.
Dr. Joseph Mulcahy, Henderson	690.
Dr. Matthew Mullen, Raleigh	203.
Dr. Kevin O'Neal, Cary	932.
Dr. Barry Ostrow, Raleigh	594.
Dr. Abayomi Osunkoya, Jacksonville	947.
Dr. Robert Palmer, Tryon	706.
Dr. Brian M. Parkes, Laurinburg	275.
Dr. Marcus Plescia, Raleigh	240.
Dr. Walter J. Pories, Greenville	83.
Dr. Thomas J. Pulliam, Winston-Salem	638.
Dr. Eric Rappaport, Raleigh	443.
Dr. Timothy J. Reeder, Greenville	295.
Dr. John F. Reilly, Jr., Cary	496.
Dr. John W. Rusher, Raleigh	525.
Dr. Lauren F. Schwartz, Winston-Salem	563.
Dr. Erin J. Silvertooth, Durham	407.
Dr. J. Bruce Taylor, Charlotte	418.
Dr. Lisa W. H. Thompson, Apex	511.
Dr. Scott D. Wagner, Raleigh	81.
Dr. Melanie P. Walker, Raleigh	504.
Dr. Zane T. Walsh, Jr., Fayetteville	6.
Dr. D.E. Ward, Jr., Lumberton	159.
Dr. Wayne H. Welsher, Fayetteville	391.
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Angela Allen, Tar Heel	90.
Deborah "Hutch" Allen, Pittsboro	549, 878.
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S 622	Appropriations Act of 2005 (S.L. 2005-276.)	244, 500, 501, 503, 507, 513, 735, 739, 740, 761, 776, 786, 798, 992, 1006, 1024, 1029, 1070, 1074, 1176.
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H 320	Modify 2005 Appropriations Act (S.L. 2005-345.)	180, 1021, 1144, 1152, 1243, 1284, 1293.
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S 734	Satisfaction of Mortgages and Deeds of Trust (S.L. 2005-123.)	267, 487, 499, 734, 750, 752, 805.

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