

JOURNAL
OF THE
SENATE
OF THE
2005 GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA
SECOND SESSION
2006

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**OFFICERS AND MEMBERS
OF
THE SENATE OF THE NORTH CAROLINA
GENERAL ASSEMBLY
2005 SESSION
SECOND SESSION 2006**

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

DISTRICT	NAME OF SENATOR	RESIDENCE
1	MARC BASNIGHT (D).....	Manteo
2	SCOTT THOMAS (D) (Resigned 1-18-06).....	New Bern
	C. W. BLAND (D) (Appointed 2-1-06).....	Vanceboro
3	S. CLARK JENKINS (D).....	Tarboro
4	ROBERT L. HOLLOMAN (D).....	Ahoskie
5	JOHN H. KERR III (D).....	Goldsboro
6	HARRY BROWN (R).....	Jacksonville
7	DOUG BERGER (D).....	Youngsville
8	R. C. SOLES, JR. (D).....	Tabor City
9	JULIA BOSEMAN (D).....	Wilmington
10	CHARLES W. ALBERTSON (D).....	Beulaville
11	A. B. SWINDELL IV (D).....	Nashville
12	FRED SMITH (R).....	Clayton
13	DAVID F. WEINSTEIN (D).....	Lumberton
14	VERNON MALONE (D).....	Raleigh
15	NEAL HUNT (R).....	Raleigh
16	JANET COWELL (D).....	Raleigh
17	RICHARD Y. STEVENS (R).....	Cary
18	BOB ATWATER (D).....	Chapel Hill
19	TONY RAND (D).....	Fayetteville
20	JEANNE H. LUCAS (D).....	Durham
21	LARRY SHAW (D).....	Fayetteville

22 HARRIS BLAKE (R).....Pinehurst
23 ELEANOR KINNAIRD (D).....Carrboro
24 HUGH WEBSTER (R).....Burlington
25 WILLIAM R. PURCELL (D).....Laurinburg
26 PHILIP E. BERGER (R).....Eden
27 KAY R. HAGAN (D).....Greensboro
28 KATIE G. DORSETT (D).....Greensboro
29 JERRY W. TILLMAN (R).....Archdale
30 DON W. EAST (R).....Pilot Mountain
31 HAMILTON C. HORTON, JR. (R) (Deceased 1-31-06)
Winston-Salem
WILLIAM B. MILLER, SR. (R)
(Appointed 3-8-06) (Resigned 5-29-06).....Winston-Salem
PETER S. BRUNSTETTER (R) (Appointed 5-30-06).....Lewisville
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
37 DANIEL G. CLODFELTER (D).....Charlotte
38 CHARLIE S. DANNELLY (D).....Charlotte
39 ROBERT PITTENGER (R).....Charlotte
40 MALCOLM GRAHAM (D).....Charlotte
41 JAMES FORRESTER (R).....Stanley
42 AUSTIN M. ALLRAN (R).....Hickory
43 DAVID W. HOYLE (D).....Dallas
44 JIM JACUMIN (R).....Connelly Springs
45 JOHN A. GARWOOD (R).....North Wilkesboro
46 WALTER H. DALTON (D).....Rutherfordton
47 KEITH W. PRESNELL (R).....Burnsville
48 TOM APODACA (R).....Hendersonville
49 MARTIN L. NESBITT, JR. (D).....Asheville
50 JOHN J. SNOW, JR. (D).....Murphy

SENATE JOURNAL

SECOND SESSION

2006

ONE HUNDRED TWENTY-EIGHTH DAY

Senate Chamber
Tuesday, May 9, 2006

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

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

"Dear God, there is something inspirational and renewing about stepping into the handsomely renovated Senate Chamber on this opening day of the short session.

"Those who envisioned this project and made it happen quite simply got it right.

"Though my prayers may sound the same to the members and guests, I must admit that I am inspired by these new surroundings to rededicate myself to making every prayer as meaningful as possible.

"Under your leadership, O God, I feel confident that the men and women of the Senate, also inspired and renewed, have rededicated themselves to the responsibilities of their leadership roles. Help us all in the days ahead to get it right. For your sake, Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, October 12, 2005, has been examined 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 Chair extends privileges of the floor to Dr. Charles F. Willson from Greenville, 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.

PRESENTATION OF THE COLORS

The Chair orders the Sergeant-at-Arms of the 2005 Session to open the doors of the Chamber for the presentation of the Colors by the North Carolina Highway Patrol Troop "B" Honor Guard. (*See Appendix.*)

PLEDGE OF ALLEGIANCE

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

May 9, 2006

SEATING OF THE HONORABLE C. W. "PETE" BLAND

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces that The Honorable C. W. "Pete" Bland awaits at the door to enter the Chamber to take his seat as a member of the Senate. Senator Dannelly announces the appointment of Senator Rand, Senator Kinnaird and Senator Lucas as the Committee to escort Senator C. W. "Pete" Bland to the Well of the Senate.

The President instructs the Reading Clerk to read the Proclamation from the Governor appointing Senator C. W. "Pete" Bland, as follows:

THE APPOINTMENT OF C. W. "PETE" BLAND

2005-2006

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable Scott Thomas, elected Senator from the Second Senate District of the 2005-2006 General Assembly, has resigned; and

WHEREAS, the provisions of General Statute 163-11 require that the vacancy created by the resignation of the Honorable Scott Thomas be filled by appointment of the person recommended by the Second Senate District Democratic Party Executive Committee; and

WHEREAS, the Second Senate District Democratic Party Executive Committee has notified me of its recommendation of C. W. "Pete" Bland of Craven County, North Carolina, to fill the unexpired term,

I do by these presents appoint

C. W. "PETE" BLAND

as a member of the

SENATE

2005-2006 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 1st day of February, 2006.

S/ Michael F. Easley
GovernorATTEST:
S/ Elaine F. Marshall
Secretary of State

May 9, 2006

(Senator Bland was administered the Oath of Office on February 15, 2006, by The Honorable James E. Ragan III, Emergency Superior Court Judge, Judicial District 3B of the General Court of Justice of the State of North Carolina.)

Senator Bland is escorted to Seat No. 19.

The chair extends the privileges of the floor to guests of Senator Bland, his wife, Jean, and daughter, Jill.

SEATING OF THE HONORABLE WILLIAM B. MILLER, SR.

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces that The Honorable William B. Miller, Sr. awaits at the door to enter the Chamber to take his seat as a member of the Senate. Senator Dannelly announces the appointment of Senator Phil Berger, Senator Garrou, Senator Brock and Senator Bingham as the Committee to escort Senator William B. Miller, Sr. to the Well of the Senate.

The President instructs the Reading Clerk to read the Proclamation from the Governor appointing Senator William B. Miller, Sr., as follows:

THE APPOINTMENT OF WILLIAM B. MILLER, SR.

2005-2006

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable Hamilton Horton, elected Senator from the Thirty-first Senate District of the 2005-2006 General Assembly, has died in office; and

WHEREAS, the provisions of General Statute 163-11 require that the vacancy created by the death of the Honorable Hamilton Horton be filled by appointment of the person recommended by the Thirty-first Senate District Republican Party Executive Committee; and

WHEREAS, the Thirty-first Senate District Republican Party Executive Committee has notified me of its recommendation of William B. Miller, Sr., of Forsyth County, North Carolina, to fill the unexpired term,

May 9, 2006

I do by these presents appoint

WILLIAM B. MILLER, SR.

as a member of the

SENATE

2005-2006 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this eighth day of March in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred and thirtieth.

S/ Michael F. Easley
Governor

ATTEST:
S/ Elaine F. Marshall
Secretary of State

(Senator Miller was administered the Oath of Office on March 17, 2006, by The Honorable William B. Reingold, Chief District Court Judge, Judicial District 21 of the General Court of Justice of the State of North Carolina.)

Senator Miller is escorted to Seat No. 32.

The chair extends the privileges of the floor to guests of Senator Miller, his wife, Peggy, son, William, Jr., daughter-in-law, Beverly and grandson, Jay Lewandowski.

RECOGNITION OF NEEDHAM BROUGHTON HIGH SCHOOL STUDENT COUNCIL

With unanimous consent, upon motion of Senator Basnight, the privileges of the floor are extended to Needham Broughton High School Student Council - winners of the first High School Legislative Food Drive competition.

The President recognizes the Sergeant-At-Arms to escort the guests into the Chamber.

The President and Senator Basnight present a plaque of appreciation and a North Carolina flag to Josh Broadway, Student Body President, in recognition of Broughton High School students who raised over thirteen hundred pounds of food in one week.

May 9, 2006

RECOGNITION OF SENATE CHAMBER RENOVATION

Senator Rand is recognized and expresses appreciation to all of the people involved in the renovation of the Senate Chamber. With unanimous consent, privileges of the floor are granted to several of those people, including David Zagaroli, President of Zagaroli & Company, Hickory, North Carolina, and the Design Team. Mr. Zagaroli is recognized and introduces others involved in the renovations. (*See Appendix.*)

WITHDRAWAL FROM 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** on March 21, 2005.

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 **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-refers the bill to the **Rules and Operations of the Senate Committee**.

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** on March 24, 2005.

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

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

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

COMMITTEE APPOINTMENTS

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the following appointments to the 2005-2006 Senate Standing Committees:

Senator Kinnaird and Senator Snow are appointed as Co-Chairmen of the **Appropriations Subcommittee on Justice and Public Safety**. (*See Addendum*)

May 9, 2006

CALENDAR

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

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 upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, 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, Miller, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill is ordered enrolled.

Upon motion of Senator Basnight, seconded by Senator Bland, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Wednesday, May 10, at 11:00 A.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
May 9, 2006

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 January 27th, 2006, Timothy L. Spear has been administered the oath of office as a Member of the House of Representatives for the remainder of the 2005 General Assembly. Representative Spear has been seated to fill the vacancy created by the resignation of Representative William T. Culpepper, III from the 2nd District.

Respectfully,
S/Denise G. Weeks
Principal Clerk

May 9, 2006

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
August 30, 2005

Madame President:

It is ordered that a message be sent to your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 686** (Conference 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: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER, OR (2) STORED AND SOLD BEHIND A PHARMACY COUNTER; TO PROVIDE THAT RETAILERS MUST IMPLEMENT SECURITY MEASURES IN AREAS OF AN ESTABLISHMENT WHERE PSEUDOEPHEDRINE PRODUCTS ARE OFFERED FOR SALE; 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 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.

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

May 9, 2006

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 61 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY INCREASING THE PUNISHMENT FOR FELONY DEATH BY VEHICLE AND TO PROVIDE THAT A VICTIM OF A SEXUALLY VIOLENT OFFENSE OR THE VICTIM'S FAMILY MAY OBTAIN A CIVIL NO-CONTACT ORDER AGAINST A REGISTERED OFFENDER WHO RESIDES OR WORKS AT A PLACE OF EMPLOYMENT WITHIN A QUARTER MILE OF THE VICTIM AND TO FUND CERTAIN POSITIONS FROM THE DWI RESERVE FUND AND TO CHANGE THE COUNTIES ELIGIBLE FOR TIER ONE DESIGNATIONS UNDER THE BILL LEE ACT FOR LAST QUARTER OF CALENDAR YEAR 2005, for concurrence in the House Committee Substitute bill No. 3.

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

S.B. 171 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF STUDENT MOBILITY ON ACADEMIC PERFORMANCE AND TO PERMIT THE FORMATION OF SMALL SCHOOL CONFERENCES IN CERTAIN COUNTIES, for concurrence in the House Committee Substitute bill.

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

S.B. 329 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, for concurrence in the House Committee Substitute bill.

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

S.B. 602 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, for concurrence in the House Committee Substitute bill.

Referred to the **Judiciary I Committee**.

H.B. 756 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM, FRANKLIN, LEE, AND VANCE COUNTIES TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES.

Referred to the **Finance Committee**.

May 9, 2006

H.B. 947 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO LEVY ONE-HALF CENT LOCAL SALES AND USE TAXES FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES AND COMMUNITY COLLEGE PLANT FUND PURPOSES, IF APPROVED BY THE VOTERS OF THE COUNTIES.

Referred to the **Finance Committee**.

H.B. 1050 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO LEVY ONE-HALF CENT LOCAL SALES AND USE TAXES FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES AND COMMUNITY COLLEGE PLANT FUND PURPOSES, IF APPROVED BY THE VOTERS OF THE COUNTIES.

Referred to the **Finance Committee**.

H.B. 1269 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES, AND OTHER COMMISSIONS.

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

H.B. 1610 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:51 P.M.

ONE HUNDRED TWENTY-NINTH DAY

Senate Chamber
Wednesday, May 10, 2006

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 Richard Wood, Associate Pastor, Judson Baptist Church, Fayetteville, North Carolina as follows:

"Almighty God, we praise you and thank you for this day you have given us. As this legislative body comes together this day, I lift all these Senators up to you.

May 10, 2006

"I ask for your blessings upon the men and women of this legislative body as they make fair and wise decisions regarding our State. I pray that you will give them wisdom in their decision-making and discernment as they provide the best direction for the great State of North Carolina. Let them be guided by your universal and timeless principles that good government serves the needs of all the people.

"May you bless these Senators, and their fellow lawmakers in the House of Representatives, who work on legislation during this session as they try to make the right choices. Be with our Governor, also, as he leads our State. May all their hard work glorify you and may your will be done. In thy name we pray, Amen."

The Chair grants leaves of absence for today to Senator Kinnaird, Senator Pittenger and Senator Webster.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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 Chair extends the privileges of the floor to Dr. W. Grimes Byerly, Jr. from Hickory, North Carolina, who is serving the Senate as Doctor of the Day, and to Patti Byerly from Hickory, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

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

S.B. 386, AN ACT ALLOWING CABARRUS COUNTY TO CHANGE THE BOUNDARIES OF FIRE DISTRICTS.

The Honorable Marc Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Perdue, who presides.

PRIVILEGES OF THE FLOOR

The president extends privileges of the floor to The Honorable Dennis H. Davis, former Senator from Cleveland County.

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. 458, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE

May 10, 2006

AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE, 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 30428, which changes the title upon concurrence to read **H.B. 458** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES EXCEPT BY A FEDERALLY RECOGNIZED INDIAN TRIBE AS AUTHORIZED BY THE INDIAN GAMING REGULATORY ACT AND A VALID TRIBAL-STATE COMPACT, is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 1836, A JOINT RESOLUTION HONORING THE APPALACHIAN STATE UNIVERSITY MOUNTAINEERS ON WINNING THE 2005 DIVISION I-AA FOOTBALL CHAMPIONSHIP AND HONORING THE MEMORY OF JIM BRAKEFIELD, FORMER FOOTBALL COACH OF APPALACHIAN STATE UNIVERSITY.

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

The joint resolution passes its second reading 46-0 and third reading with members standing, and is ordered enrolled.

RECOGNITION OF THE APPALACHIAN STATE UNIVERSITY MOUNTAINEERS FOOTBALL TEAM

With unanimous consent, upon motion of Senator Dannelly, the privileges of the floor are extended to the members of the Appalachian State University Mountaineers football team, 2005 Division I-AA Football Champions. Senator East, Senator Forrester, Senator Garwood, Senator Nesbitt, Senator Presnell and Senator Snow are appointed to escort the members of the football team, coaches, and school officials to the Well of the Senate. Coach Jerry Moore is recognized and the following players and coaches introduce themselves: Pete Bobak, Omarr Byrom, Matt Corbin, JT Holloman, Zach Johnson, Clint Manuel, William Mayfield, Jacob Newton, Jim Bob Norman, Julian Rauch, Hunter Stewart, Jeff Corning, Cameron Speer, Coach Scott Satterfield, and Coach Shawn Elliott.

The President recognizes the Committee to escort the guests from the Chamber, who depart to a standing ovation.

May 10, 2006

Upon motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns subject to introduction of bills, to meet tomorrow, Thursday, May 11, 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 Soles:

S.B. 1185, 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.

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

By Senator Dalton:

S.B. 1186, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NEW ASSISTANT DISTRICT ATTORNEY FOR PROSECUTORIAL DISTRICT 27B.

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

By Senator Bland:

S.B. 1187, A BILL TO BE ENTITLED AN ACT TO SPECIFY THE TRYON PALACE HISTORIC SITES AND GARDENS FUND AS A SPECIAL, INTEREST-BEARING TRUST FUND.

Referred to the **Finance Committee**.

By Senator Weinstein:

S.B. 1188, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR AN EDUCATION FACILITY FOR THE TRAINING OF NURSES AND OTHER HEALTH PROFESSIONALS AT THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE.

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

By Senator Weinstein:

S.B. 1189, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF FAIRMONT FOR A COMMUNITY CENTER.

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

By Senator Weinstein:

S.B. 1190, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT AND FURNISH THE WORKFORCE DEVELOPMENT CENTER AT ROBESON COMMUNITY COLLEGE.

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

May 10, 2006

By Senator Weinstein:

S.B. 1191, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE RED SPRINGS HISTORICAL MUSEUM.

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

By Senator Weinstein:

S.B. 1192, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST HISTORIC ROBESON PRESERVE AND RESTORE THE HISTORY AND HERITAGE OF ROBESON COUNTY.

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

By Senator Weinstein:

S.B. 1193, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPLETE THE DOWNTOWN RAEFORD MAIN STREET STREETScape PROJECT.

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

By Senator Weinstein:

S.B. 1194, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PRESERVATION AND RESTORATION OF THE RED SPRINGS AND NORTHERN RAILROAD.

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

By Senator Weinstein:

S.B. 1195, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HOKE COUNTY TURKEY FESTIVAL.

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

By Senator Garrou:

S.B. 1196, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CENTER FOR DESIGN INNOVATION, A PARTNERSHIP BETWEEN WINSTON-SALEM STATE UNIVERSITY AND THE NORTH CAROLINA SCHOOL OF THE ARTS.

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

By Senator Garrou:

S.B. 1197, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SCIENCE CENTER AND ENVIRONMENTAL PARK OF FORSYTH COUNTY (SCIWORKS), A NONPROFIT CORPORATION.

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

By Senator Garwood:

S.B. 1198, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPLETE THE STUDENT PERFORMING ARTS CENTER IN WILKES COUNTY.

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

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By Senator Garwood:

S.B. 1199, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

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

By Senator Dalton:

S.B. 1200, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF SPINDALE TO ALLOW THE TOWN TO FOLLOW THE GENERAL LAW ON SCHEDULING TOWN BOARD MEETINGS.

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

By Senators Hoyle; Albertson, Atwater, Berger of Franklin, Bland, Boseman, Cowell, Dalton, Dannelly, Dorsett, Garrou, Jenkins, Kerr, Malone, Purcell, Rand, Shaw, Soles, Swindell, and Weinstein:

S.B. 1201, 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 FUEL TAX RATE AT ITS CURRENT RATE.

Referred to the **Finance Committee**.

By Senators Hagan; Boseman, Cowell, Dorsett, Garrou, Kinnaird and Lucas:

S.B. 1202, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A BREAST CANCER EARLIER DETECTION SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

By Senators Albertson; Bland, Boseman, Cowell, Dorsett, Garrou, Hartsell, Hoyle, Jacumin, Jenkins, Kerr, Lucas, Malone, Purcell, Snow, Soles and Swindell:

S.B. 1203, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AGRARIAN GROWTH ZONES UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT.

Referred to the **Finance Committee**.

By Senators Allran, Atwater, Bingham, Purcell; Albertson, Apodaca, Berger of Rockingham, Blake, Boseman, Brock, Brown, Forrester, Garrou, Garwood, Goodall, Hartsell, Hunt, Jacumin, Jenkins, Lucas, Pittenger, Presnell, Shaw, Smith, Snow, Stevens, Swindell, Tillman and Weinstein:

S.B. 1204, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS AND TO APPROPRIATE FUNDS TO IMPLEMENT AN ACTIVE AND

PASSIVE ELECTRONIC MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS PLACED ON PROBATION, PAROLE, OR POST-RELEASE SUPERVISION, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

By Senators Weinstein; Albertson, Apodaca, Brown, Hagan, Hartsell, Jenkins, Purcell, Smith, Soles, Stevens, Swindell and Tillman:

S.B. 1205, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE AGRICULTURAL ADVANCEMENT CONSORTIUM TO STUDY THE ECONOMIC IMPACT OF THE EQUINE INDUSTRY IN NORTH CAROLINA AND DEVELOP STRATEGIES TO MAXIMIZE THE ECONOMIC IMPACT OF THIS INDUSTRY IN THE STATE.

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

By Senators Hagan; Bingham, Garrou, Jacumin, Kerr and Weinstein:

S.B. 1206, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE ADDITIONAL FUNDING FOR THE AID TO PUBLIC LIBRARIES FUND.

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

By Senator Forrester:

S.B. 1207, A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENTAL ENTITY OUTSIDE OF LINCOLN COUNTY MAY ANNEX ANY PORTION OF THAT COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO LINCOLN COUNTY.

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

By Senator Dalton:

S.B. 1208, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON LOCAL GOVERNMENT OPTIONAL COVERAGE UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

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

By Senators Purcell, Berger of Franklin; Albertson, Allran, Apodaca, Atwater, Bingham, Brown, Dalton, Holloman, Jenkins, Malone, Shaw, Snow, Soles, Swindell, Tillman, and Weinstein:

S.B. 1209, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS FOR THE 2006-2007 FISCAL YEAR SHALL NOT EXCEED THE COUNTY SHARE PAID BY EACH COUNTY FOR THE 2005-2006 FISCAL YEAR; TO APPROPRIATE FUNDS TO COVER THE COST TO THE GENERAL FUND

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OF CAPPING THE COUNTY SHARE; AND TO PROVIDE FOR FURTHER REDUCTION IN THE COUNTY SHARE ON A TARGETED BASIS USING SAVINGS REALIZED FROM THE MEDICARE PART D PROGRAM.

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

By Senators Boseman, Snow; Malone, Purcell and Rand:

S.B. 1210, A BILL TO BE ENTITLED AN ACT TO REPEAL THE MANDATE THAT CHILDREN ENTERING KINDERGARTEN OBTAIN A COMPREHENSIVE EYE EXAMINATION, THE GOVERNOR'S VISION CARE PROGRAM, AND THE GOVERNOR'S COMMISSION ON EARLY CHILDHOOD VISION CARE; AND TO PROVIDE THAT FUNDS APPROPRIATED TO THE RESERVE FOR THE GOVERNOR'S VISION CARE PROGRAM SHALL REVERT TO THE GENERAL FUND.

Referred to the **Health Care Committee**.

By Senator Boseman:

S.B. 1211, A BILL TO BE ENTITLED AN ACT TO ENACT THE BLAIRE THOMPSON DRUG DEALER LIABILITY ACT IN ORDER TO PROVIDE A CIVIL REMEDY FOR DAMAGES TO PERSONS IN A COMMUNITY INJURED BY AN INDIVIDUAL'S USE OF ILLEGAL CONTROLLED SUBSTANCES AND TO APPROPRIATE FUNDS TO HELP IMPLEMENT THIS ACT.

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

By Senators Boseman; and Soles:

S.B. 1212, 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 Senator Boseman:

S.B. 1213, A BILL TO BE ENTITLED AN ACT TO CONFORM THE TAX CREDIT FOR PRODUCTION COMPANIES TO THE STANDARD TAX TREATMENT WITH RESPECT TO THE DEDUCTION OF BUSINESS EXPENSES AND TO MAKE TECHNICAL CHANGES TO THAT CREDIT.

Referred to the **Finance Committee**.

By Senator Boseman:

S.B. 1214, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT NEW HANOVER COUNTY'S COMMUNITY RESOURCE CENTERS.

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

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By Senator Boseman:

S.B. 1215, 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 Boseman:

S.B. 1216, A BILL TO BE ENTITLED AN ACT ALLOWING LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT.

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

By Senator Boseman:

S.B. 1217, A BILL TO BE ENTITLED AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE BEACH AND TO ALLOW EXCEPTIONS TO THE HEIGHT LIMIT UPON APPROVAL BY REFERENDUM.

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

By Senator Boseman:

S.B. 1218, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT THE MAYOR PRO TEMPORE SERVES AT THE PLEASURE OF THE CITY COUNCIL, THE SAME AS UNDER THE GENERAL LAW.

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

By Senators Snow, Nesbitt; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Cowell, East, Forrester, Garwood, Goodall, Graham, Hartsell, Hunt, Jacumin, Malone, Pittenger, Presnell, Shaw, Smith, Soles, Stevens, Tillman and Webster:

S.B. 1219, A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL CAPITAL CONSTRUCTION FORMULA IN THE STATE LOTTERY ACT TO PROVIDE FOR DISTRIBUTION OF ALL THE FUNDS BASED ON AVERAGE DAILY MEMBERSHIP.

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

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

S.B. 1220, A BILL TO BE ENTITLED AN ACT TO ENSURE THE INTEGRITY OF THE HIGHWAY TRUST FUND BY REQUIRING

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REPAYMENT OF EXCESS TRANSFERS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND.

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

By Senators Stevens; Allran, Apodaca, Berger of Rockingham, Bingham, Brock, Garwood, Goodall, Hunt, Jacumin, Pittenger, Presnell, Smith, Tillman and Webster:

S.B. 1221, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT IF THE STATE OPERATES A LOTTERY, THAT THE NET PROCEEDS SHALL BE DEDICATED TO EDUCATION, AND TO FORBID THE NET PROCEEDS FROM SUPPLANTING OTHER EXPENDITURES FOR THE SAME PURPOSES.

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

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

S.B. 1222, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT ANY PUBLIC ENTITY FROM TAKING PROPERTY BY EMINENT DOMAIN AND CONVEYING IT TO A PRIVATE ENTITY FOR ECONOMIC DEVELOPMENT OR TO INCREASE TAX REVENUES.

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

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

S.B. 1223, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SECURITY AND IMMIGRATION COMPLIANCE ACT TO PROVIDE FOR THE COMPREHENSIVE REGULATION OF PERSONS IN THIS STATE WHO ARE NOT LAWFULLY PRESENT IN THE UNITED STATES.

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

By Senators Hartsell; and Hoyle:

S.B. 1224, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A REFUND OF SALES AND USE TAXES TO MEDICAL LABORATORY TESTING COMPANIES.

Referred to the **Finance Committee**.

By Senators Hartsell and Clodfelter:

S.B. 1225, A BILL TO BE ENTITLED AN ACT TO REQUIRE A PERFORMANCE AUDIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

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

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By Senator Hartsell:

S.B. 1226, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS.

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

By Senator Hartsell:

S.B. 1227, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT.

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

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

S.B. 1228, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT MARRIAGE IS THE UNION OF ONE MAN AND ONE WOMAN AT ONE TIME, AND THIS IS THE ONLY MARRIAGE THAT IS RECOGNIZED AS VALID IN THIS STATE.

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

By Senators Forrester, Smith; Allran, Apodaca, Bingham, Blake, Brock, Brown, East, Garwood, Goodall, Hunt, Jacumin, Miller, Pittenger, Presnell, Stevens and Tillman:

S.B. 1229, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT EMINENT DOMAIN FROM BEING USED FOR ECONOMIC DEVELOPMENT PURPOSES.

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

By Senators Forrester; Allran and Hartsell:

S.B. 1230, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE IREDELL MUSEUMS, INC.

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

By Senators Forrester, Allran and Hartsell:

S.B. 1231, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REBUILD THE FORT AT THE FORT DOBBS STATE HISTORIC SITE.

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

By Senators Forrester; Allran and Hartsell:

S.B. 1232, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE CATTLE AND LIVESTOCK EXPOSITION CENTER IN IREDELL COUNTY.

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

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By Senator Berger of Franklin:

S.B. 1233, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CITIZENS AGAINST DOMESTIC VIOLENCE, INC., FOR A DOMESTIC VIOLENCE SHELTER IN WARREN COUNTY.

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

By Senator Berger of Franklin:

S.B. 1234, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MARIA PARHAM HOSPITAL, A NONPROFIT ORGANIZATION IN HENDERSON, NORTH CAROLINA, FOR ALLOCATION TO THE WARREN COUNTY FREE CLINIC TO MEET EQUIPMENT NEEDS.

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

By Senator Berger of Franklin:

S.B. 1235, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE VANCE COUNTY BOYS AND GIRLS CLUB.

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

By Senator Berger of Franklin:

S.B. 1236, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE H. LESLIE PERRY MEMORIAL LIBRARY IN VANCE COUNTY FOR PROGRAM SUPPORT.

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

By Senator Berger of Franklin:

S.B. 1237, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FRANKLIN COUNTY LIBRARY FOR OPERATIONS SUPPORT AND SIGNAGE.

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

By Senator Berger of Franklin:

S.B. 1238, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SAFE SPACE, INC., A NONPROFIT ORGANIZATION SERVING FRANKLIN COUNTY AND SURROUNDING AREAS.

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

By Senator Berger of Franklin:

S.B. 1239, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO BRIDGE BUILDERS FOR CHANGE, INC., A NONPROFIT ORGANIZATION IN LOUISBURG, NORTH CAROLINA.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:56 P.M.

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ONE HUNDRED THIRTIETH DAY

Senate Chamber
Thursday, May 11, 2006

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:

"This morning we offer thanks, O God, for the unexpected blessing of a two billion dollar surplus in the state treasury. We're also grateful for the Senators who understand such a sum.

"For the poor in our State, two billion dollars is an incomprehensible amount, a different monetary language. In their world a few dollars more each month means the difference between despair and hopefulness.

"To those of us who know the meaning of two billion dollars, help us also respond to the language of dollar bills and pocket change. Amen."

The Chair grants leaves of absence for today to Senator Clodfelter, Senator Goodall, Senator Kinnaird, Senator Malone, Senator Pittenger and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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 Chair extends the privileges of the floor to Dr. John Ebert from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Lindsay Allen from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

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

H.J.R. 1836, A JOINT RESOLUTION HONORING THE APPALACHIAN STATE UNIVERSITY MOUNTAINEERS ON WINNING THE 2005 DIVISION I-AA FOOTBALL CHAMPIONSHIP AND HONORING THE MEMORY OF JIM BRAKEFIELD, FORMER FOOTBALL COACH OF APPALACHIAN STATE UNIVERSITY. (Res. 1)

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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S.B. 386, AN ACT ALLOWING CABARRUS COUNTY TO CHANGE THE BOUNDARIES OF FIRE DISTRICTS. (Became law upon ratification, May 10, 2006 - S.L. 2006-1.)

CALENDAR

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

H.B. 458 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES EXCEPT BY A FEDERALLY RECOGNIZED INDIAN TRIBE AS AUTHORIZED BY THE INDIAN GAMING REGULATORY ACT AND A VALID TRIBAL-STATE COMPACT.

Senator Rand offers Amendment No. 1 which is adopted (43-0).

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

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

SENATE PAGES

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

Krista L. Anderson, Smithfield; Martez T. Barnes, Raleigh; Ashley Bartlett, Wilkesboro; Kristen Byrum, Elizabeth City; Grayson Jared Cohn, Wilkesboro; Jeremiah T. Coogan, Wake Forest; Zachary Dunn, Apex; Lenae' C. Frazier, Durham; Alexis G. Heim, Raleigh; Amanda Kay Huber, Winterville; Kenneth Lathan, Fayetteville; Laura Grace Lemond, Belmont; Cherrelle McKnight, Lillington; Emily McVey, Burlington; Hannah Rae Myers, Lexington; Jillian R. Myers, Wilkesboro; Katherine Newton, Raleigh; Ethan James Peterson, Green Mountain; Anthony Powell, Garner; Hunter Thomas Story, Littleton; Kelly Thornton, Cary; and Hannah Townsend, Beaufort.

ADDITIONAL SPONSORS

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

S.B. 1209, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS FOR THE 2006-2007 FISCAL YEAR SHALL NOT EXCEED THE COUNTY SHARE PAID BY EACH COUNTY FOR THE 2005-2006 FISCAL YEAR; TO APPROPRIATE FUNDS TO COVER THE COST TO THE GENERAL FUND OF CAPPING THE COUNTY SHARE; AND TO PROVIDE FOR FURTHER REDUCTION IN THE COUNTY SHARE ON A TARGETED BASIS USING SAVINGS REALIZED FROM THE MEDICARE PART D PROGRAM.

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

S.B. 1209, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS FOR THE 2006-2007 FISCAL YEAR SHALL NOT EXCEED THE COUNTY SHARE PAID BY EACH COUNTY FOR THE 2005-2006 FISCAL YEAR; TO APPROPRIATE FUNDS TO COVER THE COST TO THE GENERAL FUND OF CAPPING THE COUNTY SHARE; AND TO PROVIDE FOR FURTHER REDUCTION IN THE COUNTY SHARE ON A TARGETED BASIS USING SAVINGS REALIZED FROM THE MEDICARE PART D PROGRAM.

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

S.B. 1220, A BILL TO BE ENTITLED AN ACT TO ENSURE THE INTEGRITY OF THE HIGHWAY TRUST FUND BY REQUIRING REPAYMENT OF EXCESS TRANSFERS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND.

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

S.B. 1223, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SECURITY AND IMMIGRATION COMPLIANCE ACT TO PROVIDE FOR THE COMPREHENSIVE REGULATION OF PERSONS IN THIS STATE WHO ARE NOT LAWFULLY PRESENT IN THE UNITED STATES.

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

S.B. 1225, A BILL TO BE ENTITLED AN ACT TO REQUIRE A PERFORMANCE AUDIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

PRIVILEGES OF THE FLOOR

Upon motion of Senator Rand, privileges of the floor are granted to Dr. Clive Edwin Alexander Cheesman, the Rouge Dragon Pursuivant, a junior officer of arms of the College of Arms, London, England. Dr. Cheesman was instrumental in the design of the Senate Coat of Arms.

Upon motion of Senator Basnight, seconded by Senator Holloman, the Senate adjourns subject to introduction of bills, receipt of messages from the

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House of Representatives and reading of Executive Orders and a Proclamation to meet Monday, May 15, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Berger of Franklin:

S.B. 1240, A BILL TO BE ENTITLED AN ACT TO RESTRICT ANNEXATION OF ANY PART OF THE TERRITORY OF THE LYONS STATION SANITARY DISTRICT.

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

By Senator Berger of Franklin:

S.B. 1241, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF CREEDMOOR PERTAINING TO A FEDERAL ENVIRONMENTAL ENHANCEMENT PROJECT GRANT.

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

By Senator Albertson:

S.B. 1242, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO ESTABLISH GEAR SPECIFIC PERMITS TO TAKE STRIPED BASS FROM THE ATLANTIC OCEAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

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

By Senators Albertson; and Allran:

S.B. 1243, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF WATER RESOURCES TO ESTABLISH AN EXECUTIVE DIRECTOR POSITION FOR THE NORTH CAROLINA PADDLE TRAILS ASSOCIATION.

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

By Senator Albertson:

S.B. 1244, 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**.

By Senator Albertson:

S.B. 1245, 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**.

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

S.B. 1246, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT EVERY CHILD IN THIS STATE ENTERING PUBLIC SCHOOL KINDERGARTEN OBTAIN A COMPREHENSIVE EYE EXAMINATION AT THE EXPENSE OF THE FAMILY.

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

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

S.B. 1247, 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; Dorsett and Tillman:

S.B. 1248, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE CENTRAL PARK OF NORTH CAROLINA.

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

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

S.B. 1249, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, FOR INITIATIVES TO PREVENT THE OCCURRENCE OF CHILD MALTREATMENT.

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

By Senators Purcell; Allran, Lucas, Malone and Swindell:

S.B. 1250, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE MEDICAID PAYMENTS TO HOSPITALS FOR OUTPATIENT SERVICES.

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

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

S.B. 1251, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO SUPPORT HEALTHY BEGINNINGS MINORITY INFANT MORTALITY PROJECTS, AND TO PROVIDE EDUCATION TO WOMEN REGARDING THE PREVENTION OF PRETERM BIRTHS.

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

By Senators Purcell; Allran, Dannelly, Kerr, Lucas and Malone:

S.B. 1252, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ALLOW THE TRAUMATIC BRAIN INJURY ADVISORY COUNCIL TO STUDY THE NEEDS OF INDIVIDUALS WITH BRAIN INJURIES AND TO MAKE RECOMMENDATIONS FOR A STATEWIDE SERVICE DELIVERY SYSTEM.

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

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

S.B. 1253, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE UNIVERSITY OF NORTH CAROLINA CENTER FOR MATERNAL AND INFANT CARE TO DEVELOP A NETWORK OF PROVIDERS TO FOCUS ON ISSUES RELATED TO PERINATAL CARE.

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

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

S.B. 1254, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, FOR THE DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE PUBLIC AWARENESS CAMPAIGN TO REDUCE THE OCCURRENCE OF BOTH SIDS AND INFANT SUFFOCATION AND STRANGULATION.

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

By Senators Purcell; Allran, Dannelly, Kerr, Lucas, Malone and Swindell:

S.B. 1255, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE FUNDING FOR THE TRAUMATIC BRAIN INJURY PROGRAM ADMINISTERED BY THE DIVISION OF MENTAL HEALTH.

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

By Senators Purcell; Dannelly, Lucas and Malone:

S.B. 1256, 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; Dannelly, Lucas and Malone:

S.B. 1257, A BILL TO BE ENTITLED AN ACT TO REVERT FUNDS APPROPRIATED IN THE 2004-2005 FISCAL YEAR FOR THE NORTH CAROLINA MOTOR SPORTS TESTING AND RESEARCH COMPLEX AND TO APPROPRIATE FUNDS FOR THE RENOVATION AND UPGRADING OF A DRAG STRIP RACING TRACK IN RICHMOND COUNTY.

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

By Senator Hoyle:

S.B. 1258, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENTS THAT NOTARIES APPLYING FOR RECOMMISSIONING PASS A WRITTEN EXAMINATION AND TAKE A COURSE OF CLASSROOM INSTRUCTION.

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

By Senators Boseman; and Atwater:

S.B. 1259, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR AN INCOME TAX DEDUCTION FOR CERTAIN CONTRIBUTIONS TO THE PARENTAL SAVINGS TRUST FUND.

Referred to the **Finance Committee**.

May 11, 2006

By Senator Boseman:

S.B. 1260, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NEW HANOVER COUNTY TO BUILD A WELCOME PAVILION AT AIRLIE GARDENS.

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

By Senator Boseman:

S.B. 1261, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ENDOWMENT FUND AT THE LOUISE WELLS CAMERON ART MUSEUM IN NEW HANOVER COUNTY.

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

By Senator Boseman:

S.B. 1262, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE LIBRARY FOUNDATION OF NEW HANOVER TO SUPPORT AN AUTHORS' FUND.

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

By Senator Boseman:

S.B. 1263, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR A SCIENCE LABORATORY AT THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON.

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

By Senators Presnell; Apodaca, Blake, Brown, Garwood, Goodall, Hoyle, Hunt, Jacumin, Pittenger, Snow and Tillman:

S.B. 1264, A BILL TO BE ENTITLED AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO SELL AT PRIVATE SALE THE FORMER LEXINGTON FURNITURE PROPERTIES.

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

By Senator Holloman:

S.B. 1265, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON BEAR HUNTING IN PERQUIMANS COUNTY.

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

By Senator Holloman:

S.B. 1266, A BILL TO BE ENTITLED AN ACT TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS.

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

By Senator Holloman:

S.B. 1267, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON VOLUNTARY SATELLITE ANNEXATIONS BY THE CITY OF ROANOKE RAPIDS.

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

May 11, 2006

By Senator Holloman:

S.B. 1268, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GATES COUNTY TO LEVY A ONE PERCENT EXCISE TAX ON INSTRUMENTS CONVEYING REAL PROPERTY.

Referred to the **Finance Committee**.

By Senator Holloman:

S.J.R. 1269, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GATES COUNTY TO LEVY A ONE PERCENT EXCISE TAX ON INSTRUMENTS CONVEYING REAL PROPERTY.

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

By Senators Dannelly, Allran, Bingham, Malone; Dorsett, Jenkins, Lucas and Rand:

S.B. 1270, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STATE ADULT DAY CARE FUND AND TO THE HOME AND COMMUNITY CARE BLOCK GRANT TO PROVIDE FOR A RATE INCREASE FOR ADULT DAY SERVICES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Dannelly, Allran, Bingham, Malone; Dorsett, Jenkins, Lucas and Rand:

S.B. 1271, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH TEN ADDITIONAL LONG-TERM CARE OMBUDSMAN POSITIONS, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

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

By Senators Dannelly, Allran, Bingham, Malone; Apodaca, Dorsett, Jenkins and Rand:

S.B. 1272, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA HOUSING TRUST FUND, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

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

By Senators Dannelly, Allran, Bingham, Malone; Dalton, Dorsett, Jenkins, Lucas and Rand:

S.B. 1273, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF AGING AND ADULT SERVICES, FOR THE HOME AND COMMUNITY CARE BLOCK GRANT (HCCBG), AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

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

May 11, 2006

By Senators Dannelly, Allran, Bingham, Malone; Dorsett, Jenkins, Lucas and Rand:

S.B. 1274, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF FACILITY SERVICES, TO POST THE FINES AND PENALTIES ASSESSED TO LONG-TERM CARE FACILITIES, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Dannelly, Allran, Bingham, Malone; Dorsett, Jenkins, Lucas and Rand:

S.B. 1275, A BILL TO BE ENTITLED AN ACT TO EXPAND THE HEALTH CARE PERSONNEL REGISTRY BY AMENDING THE DEFINITIONS OF HEALTH CARE FACILITIES AND HEALTH CARE PERSONNEL, TO PROHIBIT THE EMPLOYMENT BY HEALTH CARE FACILITIES OF ANY PERSON WHO HAS A SUBSTANTIATED FINDING ON THE HEALTH CARE PERSONNEL REGISTRY, AND TO APPROPRIATE FUNDS TO THE DIVISION OF FACILITY SERVICES FOR STAFFING, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

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

By Senators Dannelly, Allran, Bingham, Malone; Dorsett, Jenkins, Lucas and Rand:

S.B. 1276, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW THE CAP/DA PROGRAM IN RESPONSE TO ISSUES IDENTIFIED IN THE MEDICAID INSTITUTIONAL BIAS STUDY, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Dannelly, Allran, Bingham, Malone; Dorsett, Jenkins, Lucas and Rand:

S.B. 1277, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA NEW ORGANIZATIONAL VISION AWARD SPECIAL LICENSURE DESIGNATION, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Dannelly, Allran, Bingham, Malone; Dorsett, Jenkins, Lucas and Rand:

S.B. 1278, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ENSURE AWARENESS OF ADULT DAY HEALTH SERVICES AND TO PROVIDE A STATUS REPORT ON CHANGES IMPLEMENTED AS A RESULT OF THE ADULT DAY SERVICES STUDY, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

May 11, 2006

By Senators Dannelly, Allran, Bingham, Malone; Dorsett, Jenkins, Lucas and Rand:

S.B. 1279, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COLLABORATE WITH PROVIDERS AND ADVOCATES OF HOME AND COMMUNITY-BASED SERVICES TO REVIEW AND MAKE RECOMMENDATIONS ADDRESSING BIASES IDENTIFIED IN THE NORTH CAROLINA INSTITUTIONAL BIAS STUDY REPORT, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Dannelly, Allran, Bingham, Malone; Dorsett, Jenkins, Lucas and Rand:

S.B. 1280, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO EVALUATE THE USE OF TELEMONITORING EQUIPMENT, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Kerr; Albertson, Allran, Atwater, Berger of Franklin, Bingham, Blake, Bland, Boseman, Brown, Cowell, Dalton, Dannelly, Dorsett, East, Garwood, Graham, Hagan, Hartsell, Holloman, Hoyle, Jacumin, Jenkins, Lucas, Malone, Nesbitt, Presnell, Purcell, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein:

S.B. 1281, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE CRITICAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS FOR GRANTS AND LOANS FOR WASTEWATER AND DRINKING WATER PROJECTS.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.J.R. 1282, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT TO REQUIRE THAT WHEN CONDEMNED LAND IS NO LONGER NEEDED IT SHALL FIRST BE OFFERED TO THE OWNER FROM WHOM IT WAS TAKEN.

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

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

S.B. 1283, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TREATMENT OF DEFERRED TAX ASSETS IN THE COMPUTATION OF THE FRANCHISE TAX CAPITAL BASE.

Referred to the **Finance Committee**.

May 11, 2006

By Senator Soles:

S.B. 1284, A BILL TO BE ENTITLED AN ACT TO PERMIT THE LAW ENFORCEMENT OFFICERS TO USE ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS IN THE TOWN OF OCEAN ISLE BEACH.

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

By Senator Soles:

S.B. 1285, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF NORTHWEST FOR A PUBLIC HEALTH PROJECT.

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

By Senators East; and Apodaca:

S.B. 1286, A BILL TO BE ENTITLED AN ACT TO INCLUDE ASSISTANT DISTRICT ATTORNEYS WITH FIFTEEN OR MORE YEARS OF SERVICE 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 East; Dalton and Hagan:

S.B. 1287, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT THE NORTH CAROLINA CENTER FOR VITICULTURE AND ENOLOGY.

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

By Senators East; Allran, Apodaca, Blake, Brock, Goodall, Hunt, Smith and Tillman:

S.B. 1288, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A FOUR-YEAR PERIOD.

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

By Senators Bingham, Purcell; Allran and Apodaca:

S.B. 1289, A BILL TO BE ENTITLED AN ACT TO REDUCE FATALITIES AMONG NEW TEEN DRIVERS BY MAKING THE USE OF A MOBILE PHONE UNLAWFUL FOR A PERSON LESS THAN EIGHTEEN YEARS OF AGE AND WHO HOLDS A PROVISIONAL LICENSE WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY, AS RECOMMENDED BY THE NC CHILD FATALITY TASK FORCE.

Referred to the **Judiciary II Committee**.

By Senator Jacumin:

S.B. 1290, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT.

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

May 11, 2006

By Senator Jacumin:

S.B. 1291, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT.

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

By Senators Hagan; Bingham and Dorsett:

S.B. 1292, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NATURAL SCIENCE CENTER OF GREENSBORO TO ASSIST IN THE IMPLEMENTATION OF ITS MASTER PLAN TO DEVELOP AN INTERDISCIPLINARY SCIENCE EDUCATION ATTRACTION.

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

By Senators Hagan; Bingham, Dalton, Dorsett, Hartsell and Swindell:

S.B. 1293, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA SCIENCE, MATHEMATICS AND TECHNOLOGY EDUCATION CENTER, INC., TO CREATE THE NORTH CAROLINA SCIENCE COMPETITIONS PROGRAM CENTER TO ESTABLISH AND SUPPORT SCIENCE COMPETITIONS IN ALL COUNTIES OF THE STATE TO PREPARE STUDENTS FOR AN ECONOMY BASED ON TECHNOLOGY AND INNOVATION.

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

By Senators Hagan; and Dorsett:

S.B. 1294, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO TRIAD STAGE, INC., FOR OPERATING EXPENSES.

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

By Senators Dorsett; Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Blake, Bland, Clodfelter, Dalton, Dannelly, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Jenkins, Lucas, Malone, Nesbitt, Presnell, Purcell, Stevens, Swindell, Tillman and Weinstein:

S.B. 1295, A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR CONSUMERS WHO RECEIVE UNSOLICITED FACSIMILES.

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

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

S.B. 1296, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE INTERNATIONAL CIVIL RIGHTS CENTER AND MUSEUM.

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

By Senator Dorsett:

S.B. 1297, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MENTORS ASSOCIATION IN GREENSBORO.

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

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By Senators Dorsett; Bingham and Hagan:

S.B. 1298, 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 Dorsett; Bingham and Hagan:

S.B. 1299, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MALACHI HOUSE FOR OPERATING EXPENSES INCURRED IN PROVIDING SUBSTANCE ABUSE TREATMENT SERVICES IN GREENSBORO.

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

By Senators Dorsett; and Hagan:

S.B. 1300, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST AFRICAN AMERICAN ATELIER, INC., IN PROVIDING ITS ARTS PROGRAMS AND EXHIBITS TO THE CITIZENS IN THE GREENSBORO AREA.

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

By Senators Dorsett; Bingham and Hagan:

S.B. 1301, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR REPAIRS AND RENOVATIONS OF FACILITIES ON THE GROUNDS OF THE PALMER MEMORIAL INSTITUTE STATE HISTORIC SITE.

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

By Senators Dorsett; Bingham and Hagan:

S.B. 1302, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FAMILY LIFE COUNCIL OF GREATER GREENSBORO, INC., TO SUPPORT ITS WISE GUYS PROGRAM.

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

By Senators Dorsett; Bingham and Hagan:

S.B. 1303, 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 Senator Soles:

S.B. 1304, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

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

By Senator Soles:

S.B. 1305, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

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

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By Senator Soles:

S.B. 1306, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

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

By Senator Soles:

S.B. 1307, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

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

By Senator Soles:

S.B. 1308, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

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

By Senator Soles:

S.B. 1309, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

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

By Senator Hoyle:

S.B. 1310, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF CRAMERTON 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.

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

By Senator Apodaca:

S.B. 1311, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR CONSUMPTION OF ALCOHOL ON RIVERS IN POLK COUNTY.

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

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 1807, A JOINT RESOLUTION FOR THE CONFIRMATION OF THE APPOINTMENT OF WILLIAM T. CULPEPPER, III TO THE UTILITIES COMMISSION.

Referred to the **Commerce Committee**.

H.B. 1868, A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE DEPARTMENT OF CORRECTION.

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

May 11, 2006

EXECUTIVE ORDERS AND A PROCLAMATION

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 81, Emergency Relief for Damage Caused by Hurricane Katrina.

Executive Order Number 82, Proclamation of State of Emergency Due to Hurricane Katrina.

Executive Order Number 83, Juvenile Justice Planning Committee.

Executive Order Number 84, North Carolina Emergency Response Commission.

Executive Order Number 85, Governor's Advisory Council on Hispanic/Latino Affairs.

Executive Order Number 86, Statewide Flexible Benefits Program.

Executive Order Number 87, Amending Executive Order No. 81 Emergency Relief for Damage Caused by Hurricane Katrina.

Executive Order Number 88, Proclamation of State of Emergency Due to Hurricane Ophelia.

Executive Order Number 89, Replacing Executive Order No. 52 Concerning Food Safety and Defense Task Force.

Executive Order Number 90, Emergency Relief for Damage Caused by Hurricane Ophelia.

Executive Order Number 91, Governor's Task Force for Healthy Carolinians.

Executive Order Number 92, Extending Executive Order Nos. 48, 12, and 58.

Executive Order Number 93, Amending Executive Order No. 85 Governor's Advisory Council on Hispanic/Latino Affairs.

Executive Order Number 94, Proclamation of Continuing State of Emergency Due to Hurricanes Katrina and Ophelia.

Executive Order Number 95, Amending Executive Order No. 87 Emergency Relief for Damage Caused by Hurricane Katrina.

Executive Order Number 96, Emergency Relief for Damage Caused by Ice/Snow Storm.

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Executive Order Number 97, Extending Executive Order No. 95 Emergency Relief for Damage Caused by Hurricane Katrina.

Executive Order Number 98, North Carolina State Health Coordinating Council.

Executive Order Number 99, Extending Executive Order No. 56, North Carolina Interagency Council for Coordinating Homeless Programs.

Executive Order Number 100, Extending Executive Order No. 97 Emergency Relief for Damage Caused by Hurricane Katrina.

Executive Order Number 101, To Establish the Residential Treatment for Children and Adolescents Rules Effective Date.

A Proclamation issued by Governor Michael F. Easley on December 12, 2005, designates January 16, 2006, as "Dr. Martin Luther King, Jr. Day" throughout North Carolina.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:03 P.M.

ONE HUNDRED THIRTY-FIRST DAY

Senate Chamber
Monday, May 15, 2006

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

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

"Lord, it's Monday and we've already faced a few challenges and opportunities, put out a few fires and amazingly gotten some things accomplished. During the rest of the week we shall have to meet multiple obligations for our time and energy. Simmer us down tonight, quiet us down. May our spirit be open to the calling of your spirit that in listening for you we might hear you, that in waiting for you we might meet you, that in meeting you we might follow you in all that we do this week.

"We also pray that you grant a special measure of safety to the members of the Senate family who will be working tomorrow as a pit crew, especially if the Governor is behind the wheel in the car coming down pit road. Amen."

May 15, 2006

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, 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 Chair extends the privileges of the floor to Dr. Henry H. Dorn III from High Point, North Carolina, who is serving the Senate as Doctor of the Day, and to Ruth Sistrunk from Concord, North Carolina, who is serving the Senate as Nurse of the Day.

RECONSIDERATION

H.B. 458 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES EXCEPT BY A FEDERALLY RECOGNIZED INDIAN TRIBE AS AUTHORIZED BY THE INDIAN GAMING REGULATORY ACT AND A VALID TRIBAL-STATE COMPACT, as amended, passed second and third reading and ordered sent the House of Representatives on May 11.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate Committee Substitute bill, as amended passed its third reading be reconsidered which motion prevails (48-0).

The question before the Senate becomes the passage of the Senate Committee Substitute bill, as amended, on its third reading. Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's calendar and placed on the Calendar for Wednesday, May 17.

SENATE PAGES

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

Brittney Cagle, Apex; Michael Dowdell, Durham; William Clayton Draughon, Kenansville; Hannah Beth Evans, Wallace; Cameron Green, Raleigh; Evan Hutchinson, North Wilkesboro; Jalycia James, Greensboro; Jennifer A. Keys, Boomer; Cierra Chantee Mack, Charlotte; Amanda T. Mordecai, Raleigh; Derek Clifford Pinkerton, Moravian Falls; Lindsay Suzanne Powell, Wallace; and R. Grace Wakefield, Valdese.

ADDITIONAL SPONSORS

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

S.B. 1201, 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 FUEL TAX RATE AT ITS CURRENT RATE.

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S.B. 1229, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT EMINENT DOMAIN FROM BEING USED FOR ECONOMIC DEVELOPMENT PURPOSES.

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

S.B. 1209, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS FOR THE 2006-2007 FISCAL YEAR SHALL NOT EXCEED THE COUNTY SHARE PAID BY EACH COUNTY FOR THE 2005-2006 FISCAL YEAR; TO APPROPRIATE FUNDS TO COVER THE COST TO THE GENERAL FUND OF CAPPING THE COUNTY SHARE; AND TO PROVIDE FOR FURTHER REDUCTION IN THE COUNTY SHARE ON A TARGETED BASIS USING SAVINGS REALIZED FROM THE MEDICARE PART D PROGRAM.

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

S.B. 1273, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF AGING AND ADULT SERVICES, FOR THE HOME AND COMMUNITY CARE BLOCK GRANT (HCCBG), AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

Upon motion of Senator Dannelly, seconded by Senator Smith, the Senate adjourns subject to introduction of bills, to meet tomorrow, Tuesday, May 16, at 3:30 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Holloman:

S.B. 1312, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR A FEASIBILITY STUDY OF PUBLIC HEALTH SERVICES AND NEEDS IN HERTFORD COUNTY.

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

By Senator Holloman:

S.B. 1313, 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**.

May 15, 2006

By Senator Holloman:

S.B. 1314, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPLETE PHASE II OF THE CONSTRUCTION OF THE SYLVAN-HEIGHTS WATERFOWL PARK AND ECO-CENTER IN SCOTLAND NECK.

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

By Senator Holloman:

S.B. 1315, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE DOMESTIC VIOLENCE OFFENDER PROGRAM SERVING BERTIE, HERTFORD, AND NORTHAMPTON COUNTIES.

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

By Senator Holloman:

S.B. 1316, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY TO COMPLETE A NEW REGIONAL AIRPORT PROJECT.

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

By Senator Boseman:

S.B. 1317, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THREE POSITIONS AT THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON FOR SHELLFISH RESEARCH.

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

By Senator Boseman:

S.B. 1318, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE THALIAN HALL CENTER FOR PERFORMING ARTS AND TO THE CAROLINA BALLET.

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

By Senator Boseman:

S.B. 1319, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE EQUIPMENT FOR A NEW HELICOPTER AWARDED TO THE WILMINGTON POLICE DEPARTMENT.

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

By Senator Boseman:

S.B. 1320, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NEW HANOVER REGIONAL MEDICAL CENTER TO SUPPORT THE TRANSFER OF MENTAL HEALTH SERVICES AND THE CONSTRUCTION OF ADDITIONAL SPACE TO ACCOMMODATE CRISIS SERVICES.

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

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By Senators Boseman and Snow:

S.B. 1321, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ALL EMINENT DOMAIN MUST BE AUTHORIZED BY GENERAL LAW, AND TO REPEAL AUTHORIZATION OF CONDEMNATION AUTHORITY FOR URBAN REDEVELOPMENT.

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

By Senators Holloman; Berger of Franklin, Brown, Dannelly, East, Graham, Jenkins and Shaw:

S.J.R. 1322, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER "A BILL TO BE ENTITLED AN ACT ABOLISHING CERTAIN GEOGRAPHICAL SERVICE AREA LIMITATIONS ON NONEMERGENCY AMBULANCE SERVICE IN ORDER TO ALLOW BETTER SERVICE AND INCREASED COMPETITION AROUND THE STATE."

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, Hartsell, Hunt, Jacumin, Miller, Pittenger, Presnell and Tillman:

S.B. 1323, A BILL TO BE ENTITLED AN ACT TO IMPOSE CONSTITUTIONAL LIMITS ON THE GROWTH OF THE STATE BUDGET.

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

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

S.B. 1324, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT EMINENT DOMAIN FROM BEING USED FOR ECONOMIC DEVELOPMENT PURPOSES.

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

By Senators Presnell; Apodaca, Berger of Rockingham, Brown, Dorsett, Garwood, Jacumin, Miller, Snow, Tillman and Weinstein:

S.B. 1325, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS FOR A VISITOR AND WELCOME CENTER IN HAYWOOD COUNTY AT LAKE JUNALUSKA.

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

By Senators Hoyle, Hartsell, Swindell; Atwater, Jenkins, Kerr and Snow:

S.B. 1326, A BILL TO BE ENTITLED AN ACT TO REINSTATE THE SALES AND USE TAX REFUND FOR LOCAL SCHOOL ADMINISTRATIVE UNITS.

Referred to the **Finance Committee**.

By Senators Hoyle; Apodaca, Jenkins, Kerr, Snow and Swindell:

S.B. 1327, 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**.

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By Senator Apodaca:

S.B. 1328, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SALUDA TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE CITY.

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

By Senator Atwater:

S.B. 1329, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ALLOCATION TO A NONPROFIT ORGANIZATION PROVIDING SERVICES TO ADDRESS MENTAL HEALTH AND ADDICTION NEEDS.

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

By Senator Atwater:

S.B. 1330, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CHATHAM COUNTY COUNCIL ON AGING FOR CAPITAL NEEDS.

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

By Senator Atwater:

S.B. 1331, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BRICK CAPITAL COMMUNITY DEVELOPMENT CORPORATION, A NONPROFIT ORGANIZATION, TO RENOVATE THE W. B. WICKER AUDITORIUM TO BE USED FOR PUBLIC EVENTS AND ACTIVITIES.

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

By Senators Bingham; Apodaca, Brock, Garwood, Miller and Smith:

S.J.R. 1332, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PERSON TRANSFERRING A MOTOR VEHICLE TO PROVIDE AN ODOMETER DISCLOSURE STATEMENT ON A VEHICLE TEN YEARS OLD OR OLDER BUT LESS THAN TWENTY YEARS OLD IF THE TRANSFEREE REQUESTS THE DISCLOSURE STATEMENT.

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

By Senator Bingham:

S.B. 1333, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PERSON TRANSFERRING A MOTOR VEHICLE TO PROVIDE AN ODOMETER DISCLOSURE STATEMENT ON A VEHICLE TEN YEARS OLD OR OLDER BUT LESS THAN TWENTY YEARS OLD IF THE TRANSFEREE REQUESTS THE DISCLOSURE STATEMENT.

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

By Senators Bingham; Allran and Hartsell:

S.B. 1334, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE

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FUNDS TO ESTABLISH THREE ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS FOR DISTRICT 22.

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

By Senator Soles:

S.B. 1335, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF TABOR CITY TO REGULATE GOLF CARTS.

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

By Senators Cowell, Malone, Hunt and Stevens:

S.B. 1336, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH TWO ADDITIONAL DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 10 AND ONE ADDITIONAL ASSISTANT DISTRICT ATTORNEY IN PROSECUTORIAL DISTRICT 10.

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

By Senators Cowell; Graham, Hagan and Malone:

S.B. 1337, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO SUPPORT THE INTERNATIONAL AFFAIRS COUNCIL.

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

By Senators Cowell; Jenkins, Malone and Stevens:

S.B. 1338, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE HANDICAPPED ACCESS TO AREAS ON THE GROUNDS OF THE STATE CAPITOL AND RESTORE WALKWAYS.

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

By Senators Cowell, Malone, Hunt and Stevens:

S.B. 1339, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WAKE COUNTY FOR THE CONSTRUCTION OF AN INPATIENT PSYCHIATRIC HOSPITAL.

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

By Senators Cowell, Malone, Hunt and Stevens:

S.B. 1340, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE WAKE COUNTY FAMILY COURT.

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

By Senators Swindell and Jenkins:

S.B. 1341, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY THE FEASIBILITY OF MAKING NORTH CAROLINA WESLEYAN COLLEGE A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

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 Swindell:

S.B. 1342, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE FEDERAL TANF BLOCK GRANT FOR THE WORK CENTRAL CAREER ADVANCEMENT CENTER.

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

By Senators Swindell; Albertson, Atwater, Bland, Dorsett, Forrester, Jenkins, Purcell, Rand and Tillman:

S.B. 1343, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE UNIVERSITY OF NORTH CAROLINA FOR THE STATEWIDE PROGRAM FOR INFECTION CONTROL AND EPIDEMIOLOGY.

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

By Senators Swindell; Atwater, Dorsett, Garwood, Jenkins, Lucas, Rand and Tillman:

S.B. 1344, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA GEOGRAPHY EDUCATION FUND.

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

By Senator Dalton:

S.B. 1345, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RUTHERFORD COUNTY TO ASSIST THE COUNTY IN CONSTRUCTING A NEW FARMERS MARKET AND TO PROVIDE FUNDING TO THE RUTHERFORD COUNTY ARTS COUNCIL.

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

By Senators Dalton; Dannelly, Hagan and Hoyle:

S.B. 1346, 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 Lucas; and Atwater:

S.B. 1347, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR SUBSTANCE ABUSE TREATMENT SERVICES.

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

By Senator Swindell:

S.B. 1348, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES.

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

By Senators Hunt; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, East, Forrester, Garwood, Miller, Presnell, Stevens, Tillman and Webster:

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S.B. 1349, A BILL TO BE ENTITLED AN ACT TO CHANGE THE ALLOCATION OF LOTTERY PROCEEDS AND TO REQUIRE THEY BE USED FOR EDUCATION AND TECHNOLOGY.

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

By Senator Bland:

S.B. 1350, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR TRYON PALACE HISTORIC SITES AND GARDENS.

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

By Senator Purcell:

S.B. 1351, A BILL TO BE ENTITLED AN ACT TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE.

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

By Senators Albertson; Bingham, Purcell and Weinstein:

S.B. 1352, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WATERFRONT ACCESS STUDY COMMITTEE AND TO DIRECT THE COMMITTEE TO STUDY THE LOSS OF DIVERSITY OF USES ALONG THE COASTAL SHORELINE OF NORTH CAROLINA AND HOW THESE LOSSES IMPACT ACCESS TO THE PUBLIC TRUST WATERS OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

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

By Senators Albertson; Apodaca, Bingham, Garwood, Holloman, Jenkins, Purcell, Snow, Soles, Swindell and Weinstein:

S.B. 1353, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AGRICULTURAL LEADERSHIP DEVELOPMENT PROGRAM IN NORTH CAROLINA STATE UNIVERSITY'S COLLEGE OF AGRICULTURE AND LIFE SCIENCES.

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

By Senators Albertson; Apodaca, Bingham, Garwood, Holloman, Jenkins, Purcell, Snow, Soles, Swindell and Weinstein:

S.B. 1354, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC INSTRUCTION TO ENHANCE AGRICULTURAL EDUCATION IN THE CLASSROOM.

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

By Senator Allran:

S.B. 1355, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO HELP ESTABLISH THE HICKORY CENTER FOR ENGINEERING TECHNOLOGY AND THE DEVELOPMENT OF

ENGINEERING TECHNOLOGY PROGRAMS TO BE OFFERED BY THE CENTER.

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

By Senators Hartsell; and Atwater:

S.B. 1356, A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT TO REQUIRE THAT WHEN CONDEMNED LAND IS NO LONGER NEEDED IT SHALL FIRST BE OFFERED TO THE OWNER FROM WHOM IT WAS TAKEN.

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

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 7:32 P.M.

ONE HUNDRED THIRTY-SECOND DAY

Senate Chamber
Tuesday, May 16, 2006

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 day when we celebrate tourism in North Carolina we thank you that so many people from other places intentionally visit our State.

"Though North Carolina is a land of beautiful geography, of potters and shrimpers, of high tech and down home, of blue grass and beach music, I believe that the reason why so many people love coming here is that the light of your goodness and grace, O God, shines through the little bit of Andy Griffith and Mayberry that exists in each one of us.

"Let that good light keep shining so that others may see our good works and glorify you. Amen."

The Chair grants leaves of absence for today to Senator Berger of Franklin, Senator Blake and Senator Kerr.

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

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The Chair extends the privileges of the floor to Dr. Henry H. Dorn III from High Point, North Carolina, and Dr. Jessie Leak from Houston, Texas, who are serving the Senate as Doctors of the Day.

PRIVILEGES OF THE FLOOR

The Chair extends privileges of the floor to The Honorable Thomas F. Taft, former Senator from Pitt County.

The Senate recesses at 3:53 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 4:03 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. 1868, A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE DEPARTMENT OF CORRECTION, with a favorable report.

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

The bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor.

ADDITIONAL SPONSOR

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

S.B. 1287, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT THE NORTH CAROLINA CENTER FOR VITICULTURE AND ENOLOGY.

Upon motion of Senator Basnight, seconded by Senator Garrou, the Senate adjourns subject to introduction of bills, to meet tomorrow, Wednesday, May 17, at 2:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

May 16, 2006

By Senators Holloman; Berger of Franklin, Brown, Dannelly, East, Graham, Jenkins, Shaw and Tillman:

S.B. 1357, A BILL TO BE ENTITLED AN ACT ABOLISHING CERTAIN GEOGRAPHICAL SERVICE AREA LIMITATIONS ON NONEMERGENCY AMBULANCE SERVICE IN ORDER TO ALLOW BETTER SERVICE AND INCREASED COMPETITION AROUND THE STATE.

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

By Senator Holloman:

S.B. 1358, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF AHOSKIE.

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

By Senator Lucas:

S.B. 1359, 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 **Rules and Operations of the Senate Committee**.

By Senator Lucas:

S.B. 1360, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HEALING WITH CAARE, INC., FOR BUILDING RENOVATION.

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

By Senator Goodall:

S.B. 1361, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF UNION.

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

By Senator Goodall:

S.B. 1362, 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 Goodall:

S.B. 1363, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF UNION.

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

By Senator Rand:

S.B. 1364, 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**.

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By Senators Rand; and Atwater:

S.B. 1365, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOTTERY OVERSIGHT COMMITTEE.

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

By Senators Rand; and Atwater:

S.B. 1366, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR COMMUNITY COLLEGES TO MEET THE MATCHING REQUIREMENT FOR BOND FUNDS.

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

By Senators Rand; Atwater, Boseman, Cowell, Hagan and Kinnaird:

S.B. 1367, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA LEGAL EDUCATION ASSISTANCE FOUNDATION.

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

By Senators Rand; and Atwater:

S.B. 1368, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR VISION CARE TRAINING OF PROFESSIONALS AND SERVICES FOR CHILDREN.

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

By Senators Rand; Atwater and Pittenger:

S.B. 1369, 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. 1370, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA MILITARY BUSINESS CENTER.

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

By Senator Rand:

S.B. 1371, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A LAW ENFORCEMENT/EMERGENCY SERVICES/FIRE SERVICES CENTER ON THE CAMPUS OF BLADEN COMMUNITY COLLEGE.

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

By Senator Rand:

S.B. 1372, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY COLLECT PROPERTY TAXES FOR CERTAIN NEWLY ANNEXED PROPERTY OVER A THREE-YEAR PERIOD AND DELAY THE ACCRUAL OF INTEREST ACCORDINGLY.

Referred to the **Finance Committee**.

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By Senator Rand:

S.B. 1373, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

By Senator Dalton:

S.B. 1374, A BILL TO BE ENTITLED AN ACT TO INCLUDE SUPPLEMENTAL AD VALOREM TAXES LEVIED BY COUNTIES IN THE CALCULATION OF EFFECTIVE COUNTY TAX RATE.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 1375, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE NOTARY PUBLIC ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 1376, A BILL TO BE ENTITLED AN ACT TO REPEAL A LEGISLATIVE ANNEXATION TO THE TOWN OF MOUNT PLEASANT.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 1377, A BILL TO BE ENTITLED AN ACT TO AMEND THE TRANSITION PROVISIONS OF ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO RESOLVE A TIME-SENSITIVE PROBLEM REGARDING THE EFFECTIVENESS OF CERTAIN FINANCING STATEMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 1378, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE FORFEITURE OF PROPERTY RIGHTS BY SLAYERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senators Dorsett; and Presnell:

S.B. 1379, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE PENLAND SCHOOL OF CRAFTS.

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

By Senator Jenkins:

S.B. 1380, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL CONTRACTOR'S LICENSE, AS

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RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Commerce Committee**.

By Senator Jenkins:

S.B. 1381, A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

By Senator Jenkins:

S.B. 1382, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEPARTMENT OF TRANSPORTATION SECONDARY ROAD CONSTRUCTION FORMULA, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

By Senator Jenkins:

S.B. 1383, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE STANDARD DEPARTMENT OF TRANSPORTATION CONTRACT PROVISIONS ON DIFFERING SITE CONDITIONS, SUSPENSIONS OF WORK, AND CHANGES IN CHARACTER OF WORK, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

S.B. 1384, A BILL TO BE ENTITLED AN ACT TO CHANGE THE BONDING REQUIREMENTS FOR UP TO TWO DEPARTMENT OF TRANSPORTATION PERFORMANCE-BASED CONTRACTS FOR ROUTINE MAINTENANCE AND OPERATIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Commerce Committee**.

By Senator Brown:

S.B. 1385, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR INITIATIVE AND REFERENDUM IN THE CITY OF JACKSONVILLE.

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

By Senator Brown:

S.B. 1386, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO LENOIR COMMUNITY COLLEGE TO CONSTRUCT A NEW CAMPUS IN JONES COUNTY.

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

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By Senator Bland:

S.B. 1387, A BILL TO BE ENTITLED AN ACT TO CONTINUE FUNDING FOR THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT.

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

By Senator Snow:

S.B. 1388, A BILL TO BE ENTITLED AN ACT TO PERMIT THE LAW ENFORCEMENT OFFICERS TO USE ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS IN THE TOWN OF HIGHLANDS.

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

By Senator Snow:

S.B. 1389, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ADDITIONAL DISTRICT COURT JUDGE AND AN ADDITIONAL ASSISTANT DISTRICT ATTORNEY IN DISTRICT 30.

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

By Senators Albertson; Cowell, Jenkins, Swindell and Weinstein:

S.B. 1390, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO ESTABLISH THE NORTH CAROLINA MILITARY HISTORY RESEARCH CENTER IN THE OFFICE OF ARCHIVES AND HISTORY.

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

By Senators Albertson; and Jenkins:

S.B. 1391, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF LAGRANGE.

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

By Senators Brown; East and Smith:

S.B. 1392, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ONSLOW VIETNAM VETERANS MEMORIAL.

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

By Senators Brown; Apodaca, Atwater, Berger of Rockingham, Blake, Bland, Brock, East, Garwood, Goodall, Hartsell, Hoyle, Jenkins, Pittenger, Presnell, Rand, Smith, Swindell and Tillman:

S.B. 1393, A BILL TO BE ENTITLED AN ACT TO EXPAND THE HOMESTEAD EXCLUSION BY PROVIDING FOR AN INCOME TAX CREDIT FOR PROPERTY TAXES PAID ON A PRIMARY RESIDENCE BY ELDERLY AND DISABLED PERSONS WHOSE TAXABLE INCOMES ARE NOT MORE THAN THIRTY THOUSAND DOLLARS AS ADJUSTED ANNUALLY.

Referred to the **Finance Committee**.

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By Senator Lucas:

S.B. 1394, A BILL TO BE ENTITLED AN ACT REPEALING THE LAW THAT EXEMPTS COMMUNITY COLLEGE MASSAGE AND BODYWORK THERAPY PROGRAMS FROM LICENSURE BY THE NORTH CAROLINA BOARD OF MASSAGE AND BODYWORK THERAPY AND AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY AND EXAMINE ANY CONFLICTS THAT EXIST BETWEEN THE BOARD AND THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM.

Referred to the **Health Care Committee**.

By Senators Hoyle; and Forrester:

S.B. 1395, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GASTON 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 Hoyle:

S.B. 1396, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION AND APPROVED BY THE RULES REVIEW COMMISSION.

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

By Senator Hoyle:

S.B. 1397, 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, TO SUPPORT INDIVIDUALS WITH TRAUMATIC BRAIN INJURY IN SMALL GROUP HOMES.

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

By Senators Hagan, Lucas, Cowell, Malone, Garwood, Hartsell, Stevens, Swindell; and Atwater:

S.B. 1398, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO APPROPRIATE FUNDS TO DEVELOP AND IMPLEMENT A PILOT PROGRAM TO PROVIDE CLASSES IN FOREIGN LANGUAGES CURRENTLY NOT TAUGHT AND IN THE CULTURE, GEOGRAPHY, POLITICAL, LEGAL, AND ECONOMIC SYSTEMS OF COUNTRIES WHERE THOSE LANGUAGES ARE SPOKEN.

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

By Senators Stevens; and Rand:

S.B. 1399, A BILL TO BE ENTITLED AN ACT DEFINING THE CLEAR PROCEEDS OF PENALTIES, FINES, AND FORFEITURES OF THE UNIVERSITY OF NORTH CAROLINA.

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

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By Senator Shaw:

S.B. 1400, 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. 1401, 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 Senators Shaw; and Holloman:

S.B. 1402, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF FAYETTEVILLE TO BUILD A MULTIMODAL TRANSPORTATION CENTER.

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

By Senators Blake; Apodaca, Berger of Rockingham, Brock, Brown, East, Forrester, Hunt, Jacumin, Pittenger, Smith, Stevens, Tillman and Webster:

S.B. 1403, A BILL TO BE ENTITLED AN ACT TO CREATE A TRUST FUND FOR ESSENTIAL SERVICES TO BE FUNDED FROM STATE LOTTERY PROCEEDS, AND TO LIMIT ANY EXPENDITURE FROM THE FUND UNTIL AFTER JANUARY 1, 2057.

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

By Senator Swindell:

S.B. 1404, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT AND EQUIP THE GREEN BUILDING ON THE CAMPUS OF WILSON TECHNICAL COMMUNITY COLLEGE.

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

By Senators Hartsell, Swindell; Albertson, Apodaca, Atwater, Bingham, Boseman, Brock, Dalton, Dannelly, Dorsett, Forrester, Garwood, Hagan, Holloman, Hoyle, Lucas, Presnell, Purcell, Rand, Smith, Soles, Stevens and Weinstein:

S.B. 1405, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA RESEARCH CAMPUS AT KANNAPOLIS.

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

By Senator Purcell:

S.B. 1406, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE

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FUNDS TO THE TOWN OF ELLERBE FOR A PACKAGED WASTEWATER TREATMENT PLANT.

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

By Senators Purcell; Atwater, Dannelly, Lucas and Malone:

S.B. 1407, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF RESEARCH, DEMONSTRATIONS, AND RURAL HEALTH DEVELOPMENT, FOR A GRANT PROGRAM TO ASSIST IN THE PROVISION OF PRIMARY AND PREVENTIVE MEDICAL SERVICES TO UNINSURED OR MEDICALLY INDIGENT PATIENTS.

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

By Senators Purcell, Malone; Atwater, Dannelly and Lucas:

S.B. 1408, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PURCHASE VACCINES FOR THE FULL IMPLEMENTATION OF A UNIVERSAL CHILDHOOD VACCINE PROGRAM.

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

By Senators Purcell; Atwater, Dannelly, Lucas and Malone:

S.B. 1409, 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 SERVICES TO RESIDENTS WHO HAVE MENTAL ILLNESS AND ARE ALSO DEAF.

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

By Senators Purcell; Albertson, Atwater, Dannelly, Dorsett, Lucas and Malone:

S.B. 1410, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR EARLY INTERVENTION SERVICES.

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

By Senators Purcell; Atwater, Dannelly, Lucas and Malone:

S.B. 1411, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA COUNCIL OF COMMUNITY PROGRAMS FOR TRAINING LOCAL MANAGEMENT ENTITIES.

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

By Senators Purcell, Hartsell; Atwater, Dannelly, Lucas and Malone:

S.B. 1412, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF RESEARCH, DEMONSTRATIONS, AND RURAL HEALTH DEVELOPMENT, FOR A GRANT PROGRAM TO ASSIST IN THE

PROVISION OF PRIMARY AND PREVENTIVE MEDICAL SERVICES TO UNINSURED OR MEDICALLY INDIGENT PATIENTS.

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

By Senators Purcell; Atwater, Dannelly, Lucas and Malone:

S.B. 1413, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO ADJUST AND REBASE NURSING FACILITY RATES.

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

By Senators Purcell; Atwater, Dannelly, Lucas and Malone:

S.B. 1414, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL SCHOOL NURSES.

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

By Senators Purcell; Atwater, Dannelly, Lucas and Malone:

S.B. 1415, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD WELFARE COLLABORATIVE.

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

By Senators Purcell; Atwater, Dannelly, Lucas and Malone:

S.B. 1416, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INCREASE THE MAXIMUM MONTHLY RATE FOR RESIDENTS IN ADULT CARE HOME FACILITIES, AS RECOMMENDED BY THE ADULT CARE HOME COST MODELING REPORT.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:19 P.M.

ONE HUNDRED THIRTY-THIRD DAY

Senate Chamber
Wednesday, May 17, 2006

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, there is an old story about a sheep herder in Wyoming who would observe the behavior of wild animals during the winter. Packs of wolves, for

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example, would sweep into the valley and attack the bands of wild horses. The horses would form a circle with their heads at the center of the circle and kick out at the wolves, driving them away. Then the sheep herder saw the wolves attack a band of wild donkeys. The animals also formed a circle but they formed it with their heads out toward the wolves. When they began to kick they ended up kicking one another. When faced with difficult decisions, help us kick the problem rather than kick each other. Amen."

Story is from '*Communication: Key to Your Marriage*' by Norman Wright, Regal Publishing, 1974.

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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 Chair extends the privileges of the floor to Laura Bergs from Greenville, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWAL FROM COMMITTEE

S.B. 1185, 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, referred to the **State & Local Government Committee** on May 10.

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 **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State & Local Government Committee** and re-refers the bill to the **Commerce Committee**.

The Senate recesses at 2:15 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 2:25 P.M.

RECESS

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

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

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H.J.R. 1807, A JOINT RESOLUTION FOR THE CONFIRMATION OF THE APPOINTMENT OF WILLIAM T. CULPEPPER, III TO THE UTILITIES COMMISSION, with a favorable report.

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

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

S.B. 1208, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON LOCAL GOVERNMENT OPTIONAL COVERAGE UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, with a favorable report.

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

The bill passes its second reading (49-0).

Senator Berger of Rockingham objects to third reading of the bill. Pursuant to Rule 50, the President orders the bill placed on the Calendar for tomorrow, May 18, upon third reading.

CALENDAR

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

H.B. 458 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES EXCEPT BY A FEDERALLY RECOGNIZED INDIAN TRIBE AS AUTHORIZED BY THE INDIAN GAMING REGULATORY ACT AND A VALID TRIBAL-STATE COMPACT, upon third reading as amended on second reading.

Senator Albertson offers Amendment No. 2 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its third reading (48-1) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.J.R. 1807, A JOINT RESOLUTION FOR THE CONFIRMATION OF THE APPOINTMENT OF WILLIAM T. CULPEPPER, III TO THE UTILITIES COMMISSION, placed earlier on today's Calendar.

The joint resolution passes its second (48-1) and third reading with members standing and is ordered enrolled.

ADDITIONAL SPONSORS

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

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S.B. 1209, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS FOR THE 2006-2007 FISCAL YEAR SHALL NOT EXCEED THE COUNTY SHARE PAID BY EACH COUNTY FOR THE 2005-2006 FISCAL YEAR; TO APPROPRIATE FUNDS TO COVER THE COST TO THE GENERAL FUND OF CAPPING THE COUNTY SHARE; AND TO PROVIDE FOR FURTHER REDUCTION IN THE COUNTY SHARE ON A TARGETED BASIS USING SAVINGS REALIZED FROM THE MEDICARE PART D PROGRAM.

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

S.B. 1281, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE CRITICAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS FOR GRANTS AND LOANS FOR WASTEWATER AND DRINKING WATER PROJECTS.

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

S.B. 1412, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF RESEARCH, DEMONSTRATIONS, AND RURAL HEALTH DEVELOPMENT, FOR A GRANT PROGRAM TO ASSIST IN THE PROVISION OF PRIMARY AND PREVENTIVE MEDICAL SERVICES TO UNINSURED OR MEDICALLY INDIGENT PATIENTS.

REMOVAL OF BILL CO-SPONSORS

Senator Goodall requests that he be removed as a sponsor of previously introduced legislation:

S.B. 1219, A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL CAPITAL CONSTRUCTION FORMULA IN THE STATE LOTTERY ACT TO PROVIDE FOR DISTRIBUTION OF ALL THE FUNDS BASED ON AVERAGE DAILY MEMBERSHIP.

Senator Pittenger requests that he be removed as a sponsor of previously introduced legislation:

S.B. 1219, A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL CAPITAL CONSTRUCTION FORMULA IN THE STATE LOTTERY ACT TO PROVIDE FOR DISTRIBUTION OF ALL THE FUNDS BASED ON AVERAGE DAILY MEMBERSHIP.

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Upon motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet tomorrow, Thursday, May 18, at 10:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Rand, Kinnaird; and Atwater:

S.B. 1417, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY-BASED CORRECTIONS PROGRAMS.

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

By Senator Bingham:

S.B. 1418, A BILL TO BE ENTITLED AN ACT TO REDUCE THE FEES FOR INDIVIDUALS THAT ARE CERTIFIED BY THE DIVISION OF MOTOR VEHICLES AS SCHOOL BUS DRIVERS AND WHO ARE ELIGIBLE FOR THE SCHOOL BUS ENDORSEMENT ON A COMMERCIAL DRIVERS LICENSE .

Referred to the **Finance Committee**.

By Senator Weinstein:

S.B. 1419, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PESTICIDE DISPOSAL PROGRAM.

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

By Senators Malone; Albertson, Dannelly, Dorsett, Holloman, Hoyle, Jenkins, Lucas, Purcell and Stevens:

S.J.R. 1420, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE MEDICAL CARE COMMISSION TO PROVIDE FOR A REPRESENTATIVE OF HOME AND HOSPICE CARE.

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

By Senators Malone; Dannelly, Dorsett, Holloman, Hoyle, Jenkins, Lucas, Purcell and Stevens:

S.B. 1421, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE MEDICAL CARE COMMISSION TO PROVIDE FOR A REPRESENTATIVE OF HOME AND HOSPICE CARE.

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

By Senator Soles:

S.B. 1422, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH SENATORIAL DISTRICT.

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

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By Senator Soles:

S.B. 1423, 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. 1424, 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. 1425, 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. 1426, 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. 1427, 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. 1428, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF BURGAW.

Referred to the **Finance Committee**.

By Senator Soles:

S.B. 1429, A BILL TO BE ENTITLED AN ACT TO ANNEX SOME RIGHT-OF-WAY TO THE CORPORATE LIMITS OF THE TOWN OF NAVASSA.

Referred to the **Finance Committee**.

By Senator Soles:

S.B. 1430, 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 Senator Soles:

S.B. 1431, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

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By Senator Soles:

S.B. 1432, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE TOWN OR ON PROPERTY OWNED OR LEASED BY THE TOWN.

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

By Senator Soles:

S.B. 1433, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO MOVE ITS ALCOHOLIC BEVERAGE CONTROL STORE TO A NEW LOCATION WITHIN THE CORPORATE LIMITS OF THE TOWN AND TO MOVE WITHIN SEVEN MILES OF ANOTHER ABC STORE IN BRUNSWICK COUNTY.

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

By Senator Soles:

S.B. 1434, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE BOUNDARIES OF THE TOWN OF SHALLOTTE.

Referred to the **Finance Committee**.

By Senator Garrou:

S.B. 1435, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO OLD SALEM, INCORPORATED, A NONPROFIT CORPORATION, FOR ADDITIONAL MEETING AND CLASSROOM SPACE FOR EDUCATIONAL ACTIVITIES.

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

By Senator Garrou:

S.B. 1436, A BILL TO BE ENTITLED AN ACT TO REVISE THE ALLOCATION OF PROCEEDS OF SPECIAL INDEBTEDNESS WITH RESPECT TO CERTAIN UNIVERSITY PROJECTS.

Referred to the **Finance Committee**.

By Senator Atwater:

S.B. 1437, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS TO ALLOW THE MUSEUM OF NATURAL SCIENCES TO DISSEMINATE THE PUBLIC TELEVISION SERIES "EXPLORING NORTH CAROLINA" IN HARD COPY, DVDS AND OTHER MEDIA, AND TO PREPARE APPROPRIATE EDUCATIONAL MATERIALS TO SUPPORT SCIENCE IN THE PUBLIC SCHOOLS.

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

By Senator Dalton:

S.B. 1438, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF BOILING SPRINGS TO ASSIST IN THE CONSTRUCTION OF A YMCA FACILITY.

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

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By Senator Dalton:

S.B. 1439, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ALLIED HEALTH PROGRAMS IN THE COMMUNITY COLLEGE SYSTEM AND TO PROMOTE DIFFERENTIAL FUNDING.

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

By Senator Dalton:

S.B. 1440, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR SALARY AND BENEFIT ADJUSTMENTS FOR STAFF WITHIN THE COMMUNITY COLLEGES SYSTEM OFFICE.

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

By Senator Dalton:

S.B. 1441, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF LAKE LURE AND THE BROAD RIVER WATER AUTHORITY TO ENROLL THEIR EMPLOYEES OR RETIREES UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN LOCAL GOVERNMENT OPTIONAL COVERAGE .

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

By Senator Dalton:

S.B. 1442, A BILL TO BE ENTITLED AN ACT REPEALING THE LOCAL MODIFICATIONS OF G.S. 153A-335 PERTAINING TO THE REGULATION OF SUBDIVISIONS IN RUTHERFORD COUNTY AND THEREBY SUBJECTING THE COUNTY TO FULL APPLICATION OF THE GENERAL LAW.

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

By Senator Berger of Rockingham:

S.B. 1443, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.

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

By Senator Berger of Rockingham:

S.B. 1444, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.

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

By Senator Berger of Rockingham:

S.B. 1445, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GUILFORD.

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

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

S.B. 1446, A BILL TO BE ENTITLED AN ACT TO PROVIDE INCREASED SECURITY FOR DRIVERS LICENSES.

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

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

S.B. 1447, A BILL TO BE ENTITLED AN ACT TO STABILIZE THE MOTOR FUEL TAX BY REDUCING THE TAX AND IMPOSING A CAP ON THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUEL TAX RATE.

Referred to the **Finance Committee**.

By Senator Boseman:

S.J.R. 1448, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO ENSURE THE ACCESSIBILITY OF HANDICAPPED PARKING IN NORTH CAROLINA BY CHANGING THE HANDICAPPED PLACARD DESIGN TO REFLECT AN EXPIRATION DATE VISIBLE FROM AT LEAST TWENTY FEET TO ENSURE INCREASED ENFORCEMENT AND COLLECTION OF EXPIRED OR REVOKED PLACARDS.

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

By Senator Boseman:

S.B. 1449, A BILL TO BE ENTITLED AN ACT TO ENSURE THE ACCESSIBILITY OF HANDICAPPED PARKING IN NORTH CAROLINA BY CHANGING THE HANDICAPPED PLACARD DESIGN TO REFLECT AN EXPIRATION DATE VISIBLE FROM AT LEAST TWENTY FEET TO ENSURE INCREASED ENFORCEMENT AND COLLECTION OF EXPIRED OR REVOKED PLACARDS.

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

By Senator Boseman:

S.B. 1450, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR VARIOUS PURPOSES PURSUANT TO RECOMMENDATIONS FROM THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, TO MANDATE THAT ALL EDUCATORS IN THE NORTH CAROLINA PUBLIC SCHOOL SYSTEM AND ALL STUDENTS, FACULTY, AND STAFF IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM OR THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM RECEIVE DOMESTIC VIOLENCE TRAINING, AND TO STRENGTHEN THE LAWS RELATED TO VIOLATIONS OF DOMESTIC VIOLENCE PROTECTIVE ORDERS.

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

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

S.B. 1451, A BILL TO BE ENTITLED AN ACT TO ENFORCE COLLECTION OF PROPERTY TAXES ON REAL PROPERTY AGAINST THE RECORD OWNER AS OF THE DATE THE TAXES BECOME DELINQUENT AND TO CODIFY THE PRORATION OF TAXES ON REAL PROPERTY.

Referred to the **Finance Committee**.

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

S.B. 1452, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE PROPERTY TAX LAWS.

Referred to the **Finance Committee**.

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

S.B. 1453, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES AND TO IMPROVE THE COLLECTION AND ADMINISTRATION OF THE MOTOR FUEL TAX.

Referred to the **Finance Committee**.

By Senators Hoyle; and Forrester:

S.B. 1454, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE GASTON COUNTY LITERACY COUNCIL FOR OPERATING EXPENSES.

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

By Senators Hoyle; and Forrester:

S.B. 1455, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GASTON COUNTY FOR OPERATING EXPENSES FOR THE MUSEUMS LOCATED IN THE COUNTY.

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

By Senators Hoyle; and Forrester:

S.B. 1456, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STATE EARNED INCOME TAX CREDIT BY CREATING THE REWARDING WORK TAX CREDIT.

Referred to the **Finance Committee**.

By Senators Hoyle; and Forrester:

S.B. 1457, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NURSING BUILDING ON THE CAMPUS OF GASTON COLLEGE.

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

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

S.B. 1458, A BILL TO BE ENTITLED AN ACT TO EXPAND THE ROYALTY INCOME REPORTING OPTION TO INCLUDE ADDITIONAL TYPES OF INTANGIBLE PROPERTY.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 1459, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM WAGE AND TO PHASE OUT THE TEMPORARY INCREASE IN THE STATE SALES TAX AND THE TOP INDIVIDUAL INCOME TAX BRACKET.

Referred to the **Finance Committee**.

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By Senators Hoyle; and Forrester:

S.B. 1460, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GASTON COUNTY TO ESTABLISH A BIODIESEL PILOT PROJECT.

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

By Senators Hoyle; and Forrester:

S.B. 1461, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PURCHASE COMPUTERS FOR THE TECHNICAL HIGH SCHOOL IN GASTON COUNTY.

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

By Senator Weinstein:

S.B. 1462, 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. 1463, 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. 1464, 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 Lucas:

S.B. 1465, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO INCREASE THE STATE CONTRACTUAL SCHOLARSHIP FUND.

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

By Senators Cowell; Graham, Hunt, Kinnaird and Stevens:

S.B. 1466, A BILL TO BE ENTITLED AN ACT TO LEVEL THE FIELD FOR BAKED GOODS AT TWO PERCENT SALES AND USE TAX.

Referred to the **Finance Committee**.

By Senator Kerr:

S.B. 1467, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GREENE COUNTY FOR INFRASTRUCTURE IMPROVEMENTS.

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

By Senator Kerr:

S.B. 1468, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A PERFORMING ARTS CENTER IN THE CITY OF GOLDSBORO.

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

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By Senators Kerr and Hoyle:

S.B. 1469, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF INSURANCE FOR THE WORKERS' COMPENSATION FUND FOR THE BENEFIT OF VOLUNTEER SAFETY WORKERS.

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

By Senators Swindell; and Atwater:

S.B. 1470, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE JAMES B. HUNT, JR. INSTITUTE FOR EDUCATIONAL LEADERSHIP AND POLICY.

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

By Senator Swindell:

S.B. 1471, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO WILSON COUNTY TO TARGET THE BIOSCIENCE INDUSTRY FOR LOCAL ECONOMIC DEVELOPMENT.

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

By Senator Swindell:

S.B. 1472, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE AN INCREASE IN THE LEGISLATIVE TUITION GRANT FOR CERTAIN NORTH CAROLINA RESIDENTS ENROLLED IN QUALIFIED NONPROFIT, PRIVATE COLLEGES OR UNIVERSITIES.

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

By Senator Swindell:

S.B. 1473, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WILSON COUNTY TO PLAN THE WHIRLIGIG ARTISANS MARKETING CENTER.

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

By Senators Swindell, Lucas, Atwater, Cowell, Malone, Garwood, Hartsell, Stevens, Apodaca; Albertson, Bingham, Bland, Boseman, Brown, Dalton, Dannelly, Dorsett, Forrester, Hagan, Jenkins, Rand, Snow and Tillman:

S.B. 1474, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW AFFECTING RETIREES RETURNING TO WORK.

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

By Senators Swindell, Lucas, Atwater, Cowell, Hagan, Malone, Nesbitt, Garwood, Hartsell, Stevens, Apodaca; Albertson, Bland, Boseman, Brown, Dalton, Dannelly, Dorsett, Forrester, Jacumin, Jenkins, Miller, Rand, Snow, Soles, Tillman and Weinstein:

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S.B. 1475, A BILL TO BE ENTITLED AN ACT TO AMEND THE FUTURE TEACHERS OF NORTH CAROLINA SCHOLARSHIP LOAN FUND BY ADDING FIFTY SCHOLARSHIP LOANS FOR STUDENTS WHO AGREE TO BECOME CERTIFIED IN MATH OR SCIENCE, TEACH FULL-TIME IN THAT AREA IN A NORTH CAROLINA PUBLIC SCHOOL FOR THREE YEARS WITHIN FIVE YEARS AFTER GRADUATION AND MEET CERTAIN OTHER REQUIREMENTS.

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

By Senators Swindell, Lucas, Atwater, Cowell, Hagan, Malone, Nesbitt, Garwood, Hartsell, Stevens, Apodaca; Albertson, Bingham, Bland, Boseman, Brown, Dalton, Dannelly, Dorsett, Forrester, Jenkins, Miller, Rand, Snow, Tillman and Weinstein:

S.B. 1476, A BILL TO BE ENTITLED AN ACT TO PROVIDE STATE CONTRACTUAL SCHOLARSHIP FUND GRANTS AND LEGISLATIVE TUITION GRANTS FOR STUDENTS WHO HAVE BACHELORS DEGREES BUT ARE PURSUING LICENSURE AS NURSES OR TEACHERS.

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

By Senators Swindell, Lucas, Atwater, Cowell, Malone, Nesbitt, Garwood, Hartsell, Stevens, Apodaca; Bingham, Boseman, Dalton, Dannelly, Dorsett, Hagan, Jenkins, Miller, Rand, Snow, and Tillman:

S.B. 1477, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ENCOURAGE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO REDESIGN THEIR MATHEMATICS AND SCIENCE TEACHER PREPARATION PROGRAMS, AND TO MAKE AN APPROPRIATION.

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 1844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE EXECUTIVE BRANCH ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS, AND TO MAKE CONFORMING CHANGES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL REFORM.

Referred to the **Judiciary II Committee**.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 1323 (Committee Substitute), 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 **Rules and Operations of the Senate Committee.**

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:54 P.M.

ONE HUNDRED THIRTY-FOURTH DAY

Senate Chamber
Thursday, May 18, 2006

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

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

"Eternal God, the headlines in any day's newspapers remind us that we live in a time when people freely judge and condemn each other.

"But it is in your court and before you that we practice our lives each day. You know whether we have been courageous prophetic voices or just echoes, whether we have done your will or our own.

"It is not the approval of others, but your approval, your words 'well done' that will afford lasting peace and happiness in our lives. Amen."

The Chair grants leaves of absence for today to Senator Dorsett, Senator Goodall, Senator Holloman and Senator Pittenger.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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 Chair extends the privileges of the floor to Dr. John K. Williford, Jr. from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Cheryle Traish from Rocky Mount, North Carolina, who is serving the Senate as Nurse of the Day.

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ENROLLED BILLS

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

H.B. 1868, AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE DEPARTMENT OF CORRECTION.

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. 1807, A JOINT RESOLUTION FOR THE CONFIRMATION OF THE APPOINTMENT OF WILLIAM T. CULPEPPER, III TO THE UTILITIES COMMISSION. (Res. 2)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 1210, A BILL TO BE ENTITLED AN ACT TO REPEAL THE MANDATE THAT CHILDREN ENTERING KINDERGARTEN OBTAIN A COMPREHENSIVE EYE EXAMINATION, THE GOVERNOR'S VISION CARE PROGRAM, AND THE GOVERNOR'S COMMISSION ON EARLY CHILDHOOD VISION CARE; AND TO PROVIDE THAT FUNDS APPROPRIATED TO THE RESERVE FOR THE GOVERNOR'S VISION CARE PROGRAM SHALL REVERT TO THE GENERAL 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 85402, is adopted and engrossed.

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, 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 60703, which changes the title upon concurrence to read **H.B. 1330** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO LICENSE AND REGULATE ANESTHESIOLOGIST ASSISTANTS, is adopted and engrossed.

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

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CALENDAR

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

S.B. 1208, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON LOCAL GOVERNMENT OPTIONAL COVERAGE UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

The bill passes its third reading (44-0) and is ordered sent to the House of Representatives by special message.

ADDITIONAL SPONSORS

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

S.B. 1209, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS FOR THE 2006-2007 FISCAL YEAR SHALL NOT EXCEED THE COUNTY SHARE PAID BY EACH COUNTY FOR THE 2005-2006 FISCAL YEAR; TO APPROPRIATE FUNDS TO COVER THE COST TO THE GENERAL FUND OF CAPPING THE COUNTY SHARE; AND TO PROVIDE FOR FURTHER REDUCTION IN THE COUNTY SHARE ON A TARGETED BASIS USING SAVINGS REALIZED FROM THE MEDICARE PART D PROGRAM.

S.B. 1222, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT ANY PUBLIC ENTITY FROM TAKING PROPERTY BY EMINENT DOMAIN AND CONVEYING IT TO A PRIVATE ENTITY FOR ECONOMIC DEVELOPMENT OR TO INCREASE TAX REVENUES.

S.B. 1223, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SECURITY AND IMMIGRATION COMPLIANCE ACT TO PROVIDE FOR THE COMPREHENSIVE REGULATION OF PERSONS IN THIS STATE WHO ARE NOT LAWFULLY PRESENT IN THE UNITED STATES.

S.B. 1225, A BILL TO BE ENTITLED AN ACT TO REQUIRE A PERFORMANCE AUDIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

S.B. 1228, 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.

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S.B. 1229, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT EMINENT DOMAIN FROM BEING USED FOR ECONOMIC DEVELOPMENT PURPOSES.

S.B. 1246, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT EVERY CHILD IN THIS STATE ENTERING PUBLIC SCHOOL KINDERGARTEN OBTAIN A COMPREHENSIVE EYE EXAMINATION AT THE EXPENSE OF THE FAMILY.

S.B. 1288, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A FOUR-YEAR PERIOD.

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

S.B. 1369, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE KIDS VOTING OF NORTH CAROLINA PROGRAM.

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 Lucas, the Senate adjourns subject to introduction of bills, to meet Monday, May 22, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Hagan; Atwater, Boseman, Cowell, Dorsett, Garrou, Kinnaird and Lucas:

S.B. 1478, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE'S RAPE CRISIS CENTERS AND THE NORTH CAROLINA COALITION AGAINST SEXUAL ASSAULT.

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

By Senators Hagan and Hartsell:

S.B. 1479, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senators Kinnaird; Albertson, Apodaca, Atwater, Bingham, Cowell, Dorsett, Garwood, Holloman, Presnell, Snow, Swindell and Weinstein:

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S.B. 1480, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN DEVELOPING THE 21ST CENTURY FARMERS' MARKETS PROGRAM, A PILOT PROGRAM TO ASSIST SMALL, LOW-INCOME NORTH CAROLINA FARMERS WHO MARKET THEIR PRODUCTS DIRECTLY TO CUSTOMERS TO ENROLL IN THE USDA FOOD AND NUTRITION SERVICE FOOD STAMP PROGRAM, TO EDUCATE AND ENCOURAGE THESE FARMERS TO ACCEPT NONCASH CUSTOMER PAYMENTS, AND TO PROVIDE EDUCATIONAL MATERIALS TO FOOD STAMP RECIPIENTS; THEREBY HELPING THESE FARMERS INCREASE THEIR CUSTOMER BASE WHILE EDUCATING LOW-INCOME PERSONS ABOUT THE BENEFITS OF HEALTHY DIETS AND IMPROVED NUTRITION.

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

By Senators Kinnaird; Apodaca, Presnell and Snow:

S.B. 1481, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

Referred to the **Judiciary II Committee**.

By Senators Kinnaird; Apodaca, Presnell and Snow:

S.B. 1482, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE JUVENILE CODE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

Referred to the **Judiciary II Committee**.

By Senators Nesbitt, Webster; Bland, Dorsett, Hartsell, Kerr, Purcell, Snow and Stevens:

S.B. 1483, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE LAW RELATING TO THE ESTABLISHMENT OR INCREASE OF FEES OR CHARGES BY STATE AGENCIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

Referred to the **Finance Committee**.

By Senators Nesbitt, Hartsell, Webster; Bland, Dorsett, Kerr, Purcell, Snow and Stevens:

S.B. 1484, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SENIOR RESIDENT SUPERIOR COURT JUDGES TO PROVIDE FACILITIES FOR HEARINGS CONDUCTED BY THE OFFICE OF ADMINISTRATIVE HEARINGS.

Referred to the **Judiciary I Committee**.

By Senators Nesbitt, Kerr, Stevens, Webster; Bland, Dorsett, Hartsell, Purcell and Snow:

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S.B. 1485, A BILL TO BE ENTITLED AN ACT TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO ANNUALLY REPORT CERTAIN INFORMATION TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

Referred to the **Judiciary I Committee**.

By Senators Nesbitt, Webster; Bland, Dorsett, Hartsell, Kerr, Purcell and Snow:

S.B. 1486, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE OFFICE OF ADMINISTRATIVE HEARINGS TO RESTORE NECESSARY POSITIONS IN THE HEARINGS DIVISION, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

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

By Senators Nesbitt, Purcell, Stevens, Webster; Bland, Dorsett, Hartsell, Kerr and Snow:

S.B. 1487, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE 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 AS A DENTAL HYGIENIST, AND AUTHORIZING THE BOARD TO CHARGE THE ACTUAL COST OF THE THIRD-PARTY TESTING SERVICE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

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

By Senators Nesbitt, Boseman, Jenkins; Albertson, Apodaca, Bland, Brown, Dorsett, Hartsell, Holloman, Lucas, Malone, Presnell, Shaw and Snow:

S.B. 1488, A BILL TO BE ENTITLED AN ACT TO MANDATE THAT THE NORTH CAROLINA BUILDING CODE COUNCIL STUDY CONSTRUCTION ISSUES RELATED TO WIND-BORNE DEBRIS, FLOODING, AND LANDSLIDES, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

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

By Senators Nesbitt, Dorsett; Albertson, Apodaca, Atwater, Bland, Boseman, Brown, Cowell, Hartsell, Holloman, Jenkins, Lucas, Malone, Presnell, Shaw and Snow:

S.B. 1489, A BILL TO BE ENTITLED AN ACT TO UPDATE THE NORTH CAROLINA ENERGY EMERGENCY PLAN, TO IMPROVE

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PLANNING AND COORDINATION FOR AN ENERGY EMERGENCY OR ENERGY CRISIS AMONG ALL LEVELS OF GOVERNMENT, AND TO APPROPRIATE FUNDS, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

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

By Senators Nesbitt, Malone; Albertson, Apodaca, Atwater, Bland, Boseman, Brown, Dorsett, Hartsell, Holloman, Jenkins, Lucas, Presnell, Shaw and Snow:

S.B. 1490, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIABILITY PROTECTION AND WORKERS' COMPENSATION FOR HEALTH CARE WORKERS WHEN RESPONDING TO IN-STATE INCIDENTS OUTSIDE THEIR HOSPITAL OR NORMAL JURISDICTION AS MEMBERS OF A STATE MEDICAL ASSISTANCE TEAM.

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

By Senators Nesbitt, Malone; Albertson, Apodaca, Atwater, Bland, Boseman, Brown, Dorsett, Hartsell, Holloman, Jenkins, Lucas, Presnell, Shaw and Snow:

S.B. 1491, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PURCHASE ESSENTIAL VACCINES FOR CHILDREN, TO ASSURE FLU VACCINES FOR HIGH-RISK POPULATIONS, AND TO PURCHASE ANTIVIRAL MEDICATIONS.

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

By Senators Nesbitt, Malone; Albertson, Apodaca, Atwater, Bland, Boseman, Brown, Dorsett, Hartsell, Holloman, Jenkins, Lucas, Presnell, Shaw and Snow:

S.B. 1492, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DESIGN A NEW COLOCATED STATE LABORATORY OF PUBLIC HEALTH AND OFFICE OF THE CHIEF MEDICAL EXAMINER.

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

By Senators Nesbitt, Malone; Albertson, Apodaca, Atwater, Bland, Boseman, Brown, Dorsett, Hartsell, Holloman, Jenkins, Lucas, Presnell, Shaw and Snow:

S.B. 1493, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF EMERGENCY MEDICAL SERVICES, FOR THE CONTINUED OPERATION OF STATEWIDE REGIONAL ADVISORY COMMITTEES.

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

By Senators Nesbitt, Malone; Albertson, Apodaca, Atwater, Bland, Boseman, Brown, Dorsett, Hartsell, Jenkins, Lucas, Presnell, Shaw and Snow:

S.B. 1494, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER

SERVICES TO PROVIDE FOR STAFFING AND FACILITY IMPROVEMENTS TO THE VETERINARY DIAGNOSTIC LABORATORY SYSTEM, TO FUND STAFF AND FACILITIES FOR THE FOOD AND DRUG PROTECTION DIVISION, AND TO FUND THE EMERGENCY PROGRAMS DIVISION MULTI-HAZARD THREAT DATABASE.

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

By Senators Nesbitt, Malone; Albertson, Apodaca, Atwater, Bland, Boseman, Brown, Dorsett, Hartsell, Holloman, Jenkins, Lucas, Presnell, Shaw and Snow:

S.B. 1495, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE EMBARGO AUTHORITY OF THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH DIRECTORS AND TO DIRECT THE DEVELOPMENT OF A STATE PLAN TO PROTECT THE FOOD SUPPLY FROM INTENTIONAL CONTAMINATION.

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

By Senators Nesbitt, Snow; Albertson, Apodaca, Atwater, Bland, Boseman, Brown, Dorsett, Hartsell, Holloman, Jenkins, Lucas, Malone, Presnell and Shaw:

S.B. 1496, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE EMERGENCY RESPONSE FUND AND TO APPROPRIATE FUNDS TO THE STATE EMERGENCY RESPONSE FUND, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

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

By Senators Nesbitt, Snow; Albertson, Apodaca, Atwater, Bland, Boseman, Brown, Dorsett, Hartsell, Holloman, Jenkins, Lucas, Malone, Presnell and Shaw:

S.B. 1497, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO CONSTRUCT A NEW EMERGENCY OPERATIONS CENTER AS A PORTION OF THE NEW READINESS CENTER FOR THE NORTH CAROLINA NATIONAL GUARD, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

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

By Senators Goodall; Apodaca, Berger of Rockingham, Brock, Brown, Forrester, Garwood, Hunt, Jacumin, Smith, Stevens, Tillman and Webster:

S.B. 1498, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE UPPER INCOME TAX BRACKET ONE YEAR EARLY.

Referred to the **Finance Committee**.

By Senators Goodall; Apodaca, Berger of Rockingham, Brock, Brown, Forrester, Garwood, Hunt, Jacumin, Pittenger, Smith, Stevens, Tillman and Webster:

S.B. 1499, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ESTATE AND GIFT TAXES.

Referred to the **Finance Committee**.

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By Senators Apodaca; and Webster:

S.B. 1500, A BILL TO BE ENTITLED AN ACT AMENDING THE CONSTITUTION OF NORTH CAROLINA TO REQUIRE LOTTERY PROCEEDS TO BE KEPT IN A SEPARATE FUND, TO REQUIRE THE FUNDS TO BE SPENT ONLY FOR EDUCATIONAL PURPOSES, AND TO PROHIBIT SUPPLANTING OTHER EDUCATION FUNDS WITH LOTTERY FUNDS.

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

By Senators Apodaca and Snow:

S.B. 1501, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE EDUCATION FACILITY AT THE FLAT ROCK PLAYHOUSE.

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

By Senator Holloman:

S.B. 1502, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR STAFFING NEEDS AT THE HISTORIC HOPE PLANTATION SITE.

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

By Senator Holloman:

S.B. 1503, A BILL TO BE ENTITLED AN ACT TO SET ASIDE A PORTION OF LOTTERY PROCEEDS FOR EMERGENCY REPAIRS AND RENOVATIONS IN LOW-WEALTH COUNTIES.

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

By Senator Kinnaird:

S.B. 1504, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

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

By Senator Kinnaird:

S.B. 1505, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

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

By Senator Weinstein:

S.B. 1506, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

By Senator Weinstein:

S.B. 1507, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.

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

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By Senator Presnell:

S.B. 1508, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH TWO ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND TWO ADDITIONAL VICTIM WITNESS ASSISTANTS FOR PROSECUTORIAL DISTRICT 24.

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

By Senator Presnell:

S.B. 1509, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ADDITIONAL DEPUTY CLERK POSITION IN MITCHELL COUNTY.

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

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

S.B. 1510, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE STREAMLINED SALES TAX DEFINITIONS CONCERNING TELECOMMUNICATIONS AND TO SIMPLIFY THE TAX PAYMENT REQUIREMENTS FOR SEMIMONTHLY TAXPAYERS.

Referred to the **Finance Committee**.

By Senator Kerr:

S.B. 1511, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT PITT COMMUNITY COLLEGE AND BEAUFORT COUNTY COMMUNITY COLLEGE.

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

By Senator Atwater:

S.B. 1512, A BILL TO BE ENTITLED AN ACT TO RAISE THE FINE FOR OVERTIME PARKING FROM FIVE DOLLARS TO NO MORE THAN FIFTY DOLLARS IN THE CITY OF SANFORD.

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

By Senator Atwater:

S.B. 1513, A BILL TO BE ENTITLED AN ACT TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER.

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

By Senator Holloman:

S.B. 1514, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE ADVANCED VEHICLE RESEARCH CENTER.

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

By Senators Clodfelter; Dannelly and Graham:

S.B. 1515, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF TRANSPORTATION TO REMOVE OR RELOCATE AT-GRADE RAILROAD CROSSINGS IN

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MUNICIPALITIES THAT HAVE POPULATIONS GREATER THAN FIVE HUNDRED THOUSAND PEOPLE.

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

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

S.B. 1516, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ALLOCATION TO THE ADOLESCENT PREGNANCY PREVENTION COALITION OF NORTH CAROLINA.

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

By Senators Malone; Albertson, Dannelly, Dorsett, Holloman, Hoyle, Jenkins, Lucas, Purcell and Stevens:

S.B. 1517, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE THURMAN-ZUMWALT FOUNDATION FOR START-UP COSTS TO DEVELOP A NATIONAL CENTER IN NORTH CAROLINA TO ADDRESS MILITARY HEALTH ISSUES.

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

By Senators Weinstein, Atwater, Dannelly; Berger of Franklin, Dorsett, Graham and Holloman:

S.B. 1518, 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 Allran:

S.B. 1519, 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. 1520, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF HICKORY.

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

By Senator Allran:

S.B. 1521, A BILL TO BE ENTITLED AN ACT RELATING TO THE 42ND SENATORIAL DISTRICT.

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

By Senators Allran; and Jacumin:

S.B. 1522, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THREE ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS FOR DISTRICT 25.

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

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By Senator Hartsell:

S.B. 1523, 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**.

By Senator Bingham:

S.B. 1524, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ADDITIONAL DEPUTY CLERK POSITION IN DAVIDSON COUNTY.

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

By Senator Brown:

S.B. 1525, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STURGEON CITY OF JACKSONVILLE NC FOR CAPITAL EXPENSES.

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

By Senator Berger of Rockingham:

S.B. 1526, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF REIDSVILLE.

Referred to the **Finance Committee**.

By Senators Nesbitt; Apodaca, Hagan and Snow:

S.B. 1527, A BILL TO BE ENTITLED AN ACT INCREASING THE CHILD CARE CENTER MARKET RATES TO THE CURRENTLY IMPLEMENTED STATEWIDE RATE FOR ALL COUNTIES BELOW THE STATEWIDE RATE.

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

By Senators Nesbitt, Swindell, Atwater, Dannelly, Garwood, Lucas, Malone; Albertson, Apodaca, Bland, Forrester and Snow:

S.B. 1528, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITIES IN SCHOOLS.

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

By Senators Nesbitt, Allran, Cowell, Dannelly, Forrester, Lucas, Malone, Purcell; Albertson, Atwater, Bland, Boseman, Hartsell, Jenkins, Shaw and Snow:

S.B. 1529, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OVERSIGHT ROLE OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; TO REPEAL THE LEGISLATIVE STUDY COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; TO DIRECT THE

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OVERSIGHT COMMITTEE TO STUDY CERTAIN ISSUES; AND TO MAKE A RECOMMENDATION REGARDING INCREASING HEALTH CARE COVERAGE TO INCLUDE MENTAL HEALTH AND 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**.

By Senators Nesbitt, Allran, Cowell, Dannelly, Forrester, Lucas, Malone, Purcell; Albertson, Atwater, Bland, Boseman, Hartsell, Jenkins, Shaw and Snow:

S.B. 1530, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN STATE LEADERSHIP FOR SYSTEM REFORM OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND TO APPROPRIATE FUNDS AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Health Care Committee**.

By Senators Nesbitt, Allran, Cowell, Dannelly, Forrester, Lucas, Malone, Purcell; Albertson, Atwater, Bland, Boseman, Hartsell, Jenkins, Shaw and Snow:

S.B. 1531, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE ROLE OF LOCAL MANAGEMENT ENTITIES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Health Care Committee**.

By Senators Nesbitt, Allran, Cowell, Dannelly, Forrester, Lucas, Malone, Purcell; Albertson, Atwater, Bland, Boseman, Hartsell, Jenkins, Shaw and Snow:

S.B. 1532, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR START-UP CRISIS SERVICES, TO HIRE A CONSULTANT TO ASSIST AREA AUTHORITIES AND COUNTY PROGRAMS DEVELOP AND IMPLEMENT A PLAN TO CREATE A CONTINUUM OF CRISIS SERVICES, TO PAY FOR CRISIS SERVICES FOR NON-MEDICAID ELIGIBLE INDIGENT INDIVIDUALS, TO ENSURE ACCESS TO CORE PSYCHIATRIC SERVICES, AND TO EXTEND THE SUNSET FOR THE FIRST COMMITMENT PILOT PROGRAM AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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

By Senators Nesbitt, Allran, Cowell, Dannelly, Forrester, Lucas, Malone, Purcell; Albertson, Atwater, Bland, Boseman, Hartsell, Jenkins, Shaw and Snow:

S.B. 1533, A BILL TO BE ENTITLED AN ACT TO ASSIST PRIVATE PROVIDERS TO DELIVER MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AS RECOMMENDED

BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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

By Senators Nesbitt, Allran, Cowell, Dannelly, Forrester, Lucas, Malone, Purcell; Albertson, Atwater, Bland, Boseman, Hartsell, Jenkins, Shaw and Snow:

S.B. 1534, A BILL TO BE ENTITLED AN ACT TO INCREASE STATE FUNDING AND FLEXIBILITY FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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

By Senators Nesbitt, Allran, Cowell, Dannelly, Forrester, Lucas, Malone, Purcell; Albertson, Atwater, Bland, Boseman, Hartsell, Jenkins, Shaw and Snow:

S.B. 1535, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE INDEPENDENT AND SUPPORTIVE LIVING APARTMENTS FOR PERSONS WITH MENTAL ILLNESS, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE ADDICTIONS, TO REVISE THE PSYCHIATRIC HOSPITAL FINANCING ACT, TO CREATE INCENTIVES FOR PSYCHIATRISTS TO WORK IN UNDERSERVED COMMUNITIES, AND TO APPROPRIATE FUNDS TO THE MENTAL HEALTH TRUST FUND AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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

By Senators Nesbitt, Allran, Cowell, Dannelly, Forrester, Lucas, Malone, Purcell; Albertson, Atwater, Bland, Boseman, Hartsell, Jenkins, Shaw and Snow:

S.B. 1536, A BILL TO BE ENTITLED AN ACT TO CODIFY PORTIONS OF THE STATE PLAN FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO CREATE CONSUMER AND FAMILY ADVISORY COMMITTEES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE MH/DD/SA CONSUMER ADVOCACY PROGRAM AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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

By Senators Hagan; Dalton and Garrou:

S.B. 1537, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM TOTAL MONTHLY PENSION FOR RETIRED MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD.

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

By Senators Hagan; Bingham and Dorsett:

S.B. 1538, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT AND EQUIP A CLASSROOM BUILDING ON THE NORTHWEST GUILFORD COUNTY CAMPUS OF GUILFORD TECHNICAL COMMUNITY COLLEGE.

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

By Senator Soles:

S.B. 1539, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE FAMILY RESOURCE CENTERS IN BRUNSWICK COUNTY.

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

By Senator Soles:

S.B. 1540, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STABILIZE THE HISTORIC BURGAW DEPOT.

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

By Senator Soles:

S.B. 1541, A BILL TO BE ENTITLED AN ACT RELATING TO THE REGULATION OF SUBDIVISIONS IN TABOR CITY.

Referred to the **Finance Committee**.

By Senator Soles:

S.B. 1542, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA MUSEUM OF FORESTRY FOR PLANNING AND DEVELOPMENT.

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

By Senator Soles:

S.B. 1543, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE COLUMBUS COUNTY ARTS COUNCIL.

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

By Senator Soles:

S.B. 1544, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF TOPSAIL BEACH FOR BEACH RENOURISHMENT.

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

By Senator Dorsett:

S.B. 1545, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE LEADERSHIP INSTITUTE.

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

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By Senators Dorsett; Apodaca, Atwater, Bingham, Boseman, Cowell, Dalton, Dannelly, Garrou, Graham, Hagan, Hartsell, Holloman, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Snow, Swindell and Weinstein:

S.B. 1546, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE FUNDING FOR THE GRASSROOTS ARTS AND BASIC GRANTS PROGRAM OF THE NORTH CAROLINA ARTS COUNCIL.

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

By Senators Dorsett; Albertson, Apodaca, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Garrou, Graham, Hagan, Hartsell, Holloman, Kerr, Kinnaird, Malone, Nesbitt, Purcell, Snow and Weinstein:

S.B. 1547, A BILL TO BE ENTITLED AN ACT TO PROTECT PUBLIC HEALTH AND WATER QUALITY FOR RESIDENTS OF THE STATE THAT RECEIVE DRINKING WATER FROM PRIVATE WELLS BY PROVIDING FOR THE AUTHORIZATION OF LOCAL WELL TESTING PROGRAMS; TO REQUIRE NOTIFICATION OF GROUNDWATER CONTAMINATION TO RESIDENTS AND WELL USERS THAT LIVE OR WORK NEAR A CONTAMINATED WELL; TO ESTABLISH A GROUNDWATER QUALITY DATABASE; TO ESTABLISH AN EMERGENCY DRINKING WATER FUND; AND TO APPROPRIATE FUNDS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senator Berger of Franklin:

S.B. 1548, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CENTRAL CHILDREN'S HOME OF NC, INC., FOR CAPITAL IMPROVEMENTS.

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

By Senator Berger of Franklin:

S.B. 1549, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE HALIWA SAPONI TRIBE, INC., FOR RESEARCH ON TRIBAL HISTORY.

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

By Senators Webster; Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Presnell and Tillman:

S.B. 1550, 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

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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 **Finance Committee**.

By Senators Webster, Nesbitt, Stevens; Albertson, Allran, Atwater, Brock, Clodfelter, Forrester, Goodall, Hoyle, Hunt, Kerr, Miller, Shaw, Smith and Tillman:

S.B. 1551, A BILL TO BE ENTITLED AN ACT TO CLARIFY MEDICAID REIMBURSEMENTS FOR OCULAR PROSTHETISTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

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

By Senators Webster, Clodfelter, Dalton, Hartsell, Hoyle, Kerr; Allran, Atwater, Forrester, Goodall, Hunt, Jacumin, Miller, Pittenger, Presnell, Smith, Stevens and Tillman:

S.B. 1552, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADDITIONAL JOINT FILING OPTION FOR INDIVIDUAL INCOME TAXES.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 1553, 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.

Referred to the **Finance Committee**.

By Senators Hartsell; and Cowell:

S.B. 1554, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE PROTECTION OF ANIMALS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 1555, A BILL TO BE ENTITLED AN ACT TO ENACT REVISED ARTICLE 1 OF THE UNIFORM COMMERCIAL CODE CONTAINING GENERAL PROVISIONS APPLICABLE TO THE ENTIRE CODE, TO MAKE CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM

COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, TO ENACT REVISED ARTICLE 7 OF THE UNIFORM COMMERCIAL CODE RELATING TO WAREHOUSE RECEIPTS AND BILLS OF LADING, TO MAKE CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, AND TO REPEAL OBSOLETE CRIMINAL PROVISIONS OF THE FORMER UNIFORM WAREHOUSE RECEIPTS ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senators Clodfelter; Dannelly and Graham:

S.B. 1556, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ONE NORTH CAROLINA FUND TO PROVIDE FINANCIAL ASSISTANCE TO JOHNSON AND WALES UNIVERSITY.

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

By Senators Clodfelter; Dannelly, Graham and Pittenger:

S.B. 1557, A BILL TO BE ENTITLED AN ACT TO ESTABLISH INTERMEDIATE DEFERRED PROSECUTION FOR THE DRUG TREATMENT COURT PROGRAM.

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

By Senators Clodfelter; and Dannelly:

S.B. 1558, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE BOXING COMMISSION AND RESTORE BUDGET CUTS TO THAT PROGRAM.

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

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

S.B. 1559, A BILL TO BE ENTITLED AN ACT TO PROMOTE CONSUMER CHOICE IN VIDEO SERVICE PROVIDERS AND TO ESTABLISH UNIFORM TAXES FOR VIDEO PROGRAMMING SERVICES.

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

By Senators Clodfelter; Cowell, Graham and Nesbitt:

S.B. 1560, A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY IN THE STATE BY PROVIDING FOR THE SALE OF LOW-EMISSION VEHICLES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senator Clodfelter:

S.B. 1561, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE GOVERNING THE REGULATION OF INTERBASIN TRANSFERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

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By Senator Clodfelter:

S.B. 1562, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PORTION OF THE GENERAL COURT OF JUSTICE COURT FEE USED FOR LEGAL SERVICES PROGRAMS.

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

By Senator Clodfelter:

S.B. 1563, A BILL TO BE ENTITLED AN ACT TO RECODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS AND TO INCREASE THE CREDIT FOR CERTAIN PASS-THROUGH ENTITIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 1564, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING SOLID WASTE FRANCHISE AGREEMENTS IN ORDER TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE AWARDED AND RENEWED ONLY AFTER ADEQUATE PUBLIC NOTICE OF THE LOCATION OF A PROPOSED SITE AND AFTER PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED TO, AWARD SOLID WASTE FRANCHISES; AND, TO ENSURE THAT SOLID WASTE FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senator Clodfelter:

S.B. 1565, A BILL TO BE ENTITLED AN ACT (1) TO PROVIDE FOR A TRANSITION TO RELIANCE ON PRIVATE INSURANCE AND SIMILAR MECHANISMS FOR THE DEMONSTRATION OF FINANCIAL RESPONSIBILITY REQUIRED UNDER FEDERAL LAW OF OWNERS AND OPERATORS OF COMMERCIAL PETROLEUM UNDERGROUND STORAGE TANKS, (2) TO IMPLEMENT THE TRANSITION TO PRIVATE INSURANCE BY MEANS OF A MARKET-BASED APPROACH THAT UTILIZES A PROGRESSIVE SCHEDULE OF INCREASES IN TANK FEES, (3) TO REDUCE THE INCIDENCE OF LEAKS BY REQUIRING SECONDARY CONTAINMENT FOR ALL COMPONENTS OF REGULATED PETROLEUM UNDERGROUND STORAGE TANK SYSTEMS, (4) TO PROVIDE FOR EXPEDITED ASSESSMENT AND CLEANUP OF RELEASES AND DISCHARGES FROM PETROLEUM UNDERGROUND STORAGE TANKS BY REQUIRING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH A PILOT PROGRAM TO EVALUATE THE USE OF SITE-SPECIFIC CLEANUP STANDARDS, (5) TO PROVIDE FOR VARIOUS STUDIES AND REPORTS, AND (6) TO MAKE

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OTHER IMPROVEMENTS TO THE UNDERGROUND STORAGE TANK CLEANUP PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senator Clodfelter:

S.B. 1566, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS AND TO PROTECT WATER QUALITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Garrou, Dannelly, Garwood and Stevens:

S.B. 1567, A BILL TO BE ENTITLED AN ACT TO INCLUDE IN THE SIX-YEAR CAPITAL IMPROVEMENT PLAN THE RECOMMENDED FUNDING SOURCES FOR THE PROJECTS PROPOSED.

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

By Senators Garrou, Dannelly, Stevens and Garwood:

S.B. 1568, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO USE EXISTING PLANS FOR STATE CONSTRUCTION PROJECTS WHERE FEASIBLE.

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

By Senators Garrou, Dannelly, Garwood, Stevens and Jenkins:

S.B. 1569, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CAPITAL IMPROVEMENTS RESERVE ACCOUNT AND TO RESERVE ONE-FOURTH OF THE UNRESERVED GENERAL FUND YEAR-END CREDIT BALANCE TO THE ACCOUNT.

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

By Senators Garrou, Dannelly, Garwood and Stevens:

S.B. 1570, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FIFTY MILLION DOLLARS TO THE CAPITAL IMPROVEMENTS RESERVE ACCOUNT AND TO STATE THE INTENT OF THE GENERAL ASSEMBLY TO APPROPRIATE FIFTY MILLION DOLLARS TO THE ACCOUNT EACH SUBSEQUENT FISCAL YEAR.

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

By Senator Kinnaird:

S.J.R. 1571, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE TOPIC OF POST-ADOPTION CONTACTS AND COMMUNICATION BETWEEN AN ADOPTED CHILD AND A BIRTH RELATIVE.

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

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By Senators Bingham; and Kinnaird:

S.B. 1572, A BILL TO BE ENTITLED AN ACT TO CREATE AN INDEPENDENT COMMISSION TO STUDY THE BENEFICIAL INDUSTRIAL USES OF INDUSTRIAL HEMP, INCLUDING THE USE OF INDUSTRIAL HEMP OIL AS AN ALTERNATIVE FUEL AND THE USE OF INDUSTRIAL HEMP FIBER IN CONSTRUCTION AND PAPER PRODUCTS; TO STUDY THE ECONOMIC OPPORTUNITIES INDUSTRIAL HEMP PROVIDES TO THE STATE; AND TO CONSIDER THE DESIRABILITY AND FEASIBILITY OF AUTHORIZING INDUSTRIAL HEMP CULTIVATION AND PRODUCTION AS A FARM PRODUCT IN NORTH CAROLINA.

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

By Senator Forrester:

S.B. 1573, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE IREDELL 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 Forrester:

S.B. 1574, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LINCOLN COUNTY TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES.

Referred to the **Finance Committee**.

By Senators Jenkins; Albertson and Purcell:

S.B. 1575, A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW LANDFILLS IN THE STATE AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO SOLID WASTE DISPOSAL IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

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

By Senators Jenkins; and Cowell:

S.B. 1576, A BILL TO BE ENTITLED AN ACT TO REQUIRE A REDUCTION AND DISPLACEMENT OF PETROLEUM PRODUCT DEPENDENCE, CREATE AN ALTERNATIVE FUELS TAX CREDIT, PROTECT CONSUMERS FROM EXTREME PRICING PRACTICES, AND TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE HIGHWAY TRUST FUND.

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

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By Senator Jenkins:

S.B. 1577, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO TRANSFER FUNDS TO THE CITY OF RALEIGH FOR ENHANCEMENT OF TRANSPORTATION PROJECTS FOR ECONOMIC DEVELOPMENT AND ACCESS IMPROVEMENTS.

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

By Senator Jenkins:

S.B. 1578, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE TOLL ROAD COMPACT.

Referred to the **Transportation Committee**.

By Senators Jenkins; Apodaca, Brown, Cowell, Kerr, Malone and Weinstein:

S.B. 1579, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PLAN A NEW VETERINARY HOSPITAL AT NORTH CAROLINA STATE UNIVERSITY.

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

By Senator Jenkins:

S.B. 1580, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE STATE'S RESOURCE CONSERVATION AND DEVELOPMENT COUNCILS.

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

By Senators Jenkins, Swindell; Albertson, Bland, Boseman, Cowell, Dalton, Kerr, Kinnaird, Malone, Snow and Soles:

S.B. 1581, A BILL TO BE ENTITLED AN ACT TO REQUIRE A REDUCTION AND DISPLACEMENT OF PETROLEUM PRODUCT DEPENDENCE, CREATE AN ALTERNATIVE FUELS TAX CREDIT, PROTECT CONSUMERS FROM EXTREME PRICING PRACTICES, AND TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE HIGHWAY TRUST FUND.

Referred to the **Finance Committee**.

By Senator Jenkins:

S.B. 1582, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEAT BELT USE LAW TO CONFORM TO FEDERAL MOTOR CARRIER LAWS TO PREVENT THE LOSS OF FEDERAL HIGHWAY FUNDS.

Referred to the **Transportation Committee**.

By Senator Albertson:

S.B. 1583, A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF CHANGES APPLICABLE TO THE CLEAN WATER MANAGEMENT TRUST FUND CONCERNING THE ESTABLISHMENT OF UNIFORM CRITERIA FOR WASTEWATER, DRINKING WATER, AND

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STORMWATER GRANTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; Clodfelter, Dalton and Weinstein:

S.B. 1584, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO EXPEDITE THE ASSESSMENT AND CLEANUP OF DISCHARGES AND RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS AND TO FACILITATE THE TRANSITION TO RELIANCE ON PRIVATE INSURANCE, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO COVER INCREASED PROGRAM OPERATING COSTS AND THE COSTS OF ANY LEGISLATIVE SALARY INCREASE FOR PERSONNEL WHO ADMINISTER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; Cowell and Weinstein:

S.B. 1585, 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 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; and Weinstein:

S.B. 1586, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FUNDS IN THE WELL CONSTRUCTION FUND MAY BE USED TO PROVIDE GRANTS TO LOCAL GOVERNMENTS TO ESTABLISH LOCAL WELL CONSTRUCTION PROGRAMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; and Weinstein:

S.B. 1587, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS; (4)

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PROVIDE THAT A PERSON WHO INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; AND (5) PROVIDE THAT STORMWATER CONTROL ORDINANCES THAT ARE ADOPTED BY CITIES MUST AT LEAST MEET ALL OF THE MINIMUM STATUTORY REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; and Weinstein:

S.B. 1588, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS NATURAL RESOURCES LAWS TO: (1) CLARIFY THE DEFINITION OF AGRICULTURE; (2) MAKE CLARIFYING CHANGES TO FISHING LICENSE REQUIREMENTS; AND (3) PROHIBIT THE DISCLOSURE OF PERSONAL IDENTIFYING INFORMATION COLLECTED BY THE WILDLIFE RESOURCES COMMISSION FOR LICENSING PURPOSES EXCEPT UNDER CERTAIN CIRCUMSTANCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; and Weinstein:

S.B. 1589, A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; and Weinstein:

S.B. 1590, 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, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; and Weinstein:

S.B. 1591, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; and Weinstein:

S.B. 1592, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF MOUNTAIN BOG STATE NATURAL AREA AND SANDY RUN SAVANNAS STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; and Weinstein:

S.B. 1593, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; and Weinstein:

S.B. 1594, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; and Weinstein:

S.B. 1595, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO CHARGE AND COLLECT FEES TO ENSURE HOMELAND SECURITY IN NORTH CAROLINA AND TO ENSURE THAT RADIOACTIVE MATERIAL AND CERTAIN OTHER TYPES OF RADIATION RECEIVE ADEQUATE REGULATORY OVERSIGHT AND MONITORING, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Finance Committee**.

By Senators Albertson; and Weinstein:

S.B. 1596, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMUNITY CONSERVATION ASSISTANCE PROGRAM IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; Apodaca, Atwater, Bingham, Blake, Bland, Boseman, Brock, Brown, East, Garwood, Holloman, Lucas, Nesbitt, Smith, Snow, Swindell, Tillman, Webster and Weinstein:

S.B. 1597, A BILL TO BE ENTITLED AN ACT TO EXEMPT FERTILIZER SPREADER VEHICLES FROM THE REQUIREMENTS OF REGISTRATION AND CERTIFICATE OF TITLE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

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By Senators Albertson; Apodaca, Atwater, Bingham, Blake, Bland, Boseman, Brock, Brown, East, Garwood, Holloman, Jenkins, Kerr, Lucas, Smith, Snow, Tillman, Webster and Weinstein:

S.B. 1598, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANIMAL WASTE MANAGEMENT SYSTEMS TECHNICAL SPECIALISTS ARE NOT REQUIRED TO BE PROFESSIONAL ENGINEERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, East, Forrester, Garwood, Goodall, Graham, Holloman, Jacumin, Jenkins, Kerr, Nesbitt, Pittenger, Presnell, Smith, Snow, Swindell, Tillman, Webster and Weinstein:

S.B. 1599, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXEMPTION FOR GREENHOUSES FROM THE BUILDING CODE WHEN THEY ARE BUILT IN ACCORDANCE WITH THE NATIONAL GREENHOUSE MANUFACTURERS ASSOCIATION STRUCTURAL DESIGN MANUAL AND USED FOR GROWING PLANTS, AND NOT USED FOR RETAIL SALES PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Commerce Committee**.

By Senator Weinstein:

S.B. 1600, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING LAND-DISTURBING ACTIVITIES NEAR TROUT WATERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

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

S.J.R. 1601, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HIGHER FEES FOR FILING MEDICAL MALPRACTICE ACTIONS IN SUPERIOR COURT.

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

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

S.B. 1602, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HIGHER FEES FOR FILING MEDICAL MALPRACTICE ACTIONS IN SUPERIOR COURT.

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

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By Senators Purcell; Apodaca, Cowell, Hartsell and Snow:

S.B. 1603, A BILL TO BE ENTITLED AN ACT TO ALLOW DISABILITY DESIGNATIONS ON DRIVERS LICENSES, IDENTIFICATION CARDS, AND VEHICLE REGISTRATIONS, TO STUDY THE INVOLUNTARY COMMITMENT PROCEEDINGS, TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP A PILOT PROGRAM TO IMPROVE COMMUNICATION ABOUT STUDENTS WITH AUTISM AND OTHER DISABILITIES BETWEEN PUBLIC SCHOOL PERSONNEL AND SCHOOL RESOURCE OFFICERS, AND TO MAKE AN APPROPRIATION AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON AUTISM SPECTRUM DISORDER, LAW ENFORCEMENT, PUBLIC SAFETY, AND FIRST RESPONDERS.

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

By Senators Shaw; and Cowell:

S.B. 1604, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES EDUCATION RESEARCH CONSORTIUM TO STUDY THE ISSUES RELATED TO THE DROPOUT RATE AMONG AT-RISK AFRICAN-AMERICAN STUDENTS.

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

By Senators Shaw; and Cowell:

S.B. 1605, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL RESOURCES FOR LOW-PERFORMING HIGH SCHOOLS.

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

By Senators Shaw; and Cowell:

S.B. 1606, 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 Forrester:

S.B. 1607, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF IREDELL.

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

By Senator Forrester:

S.B. 1608, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PERSONS NOT LAWFULLY IN THE UNITED STATES ARE NOT ELIGIBLE FOR IN-STATE TUITION AT ANY CONSTITUENT INSTITUTION OR AT ANY COMMUNITY COLLEGE.

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

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By Senator Apodaca:

S.B. 1609, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FOR THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY TO INSTALL GENERATORS IN THAT FACILITY.

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

By Senators Apodaca; Allran, Berger of Rockingham, Bingham, Brock, Brown, East, Forrester, Garwood, Hartsell, Hunt, Miller, Pittenger, Presnell, Smith and Tillman:

S.B. 1610, A BILL TO BE ENTITLED AN ACT TO SUNSET THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX RATE EARLY.

Referred to the **Finance Committee**.

Bills and a resolution 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 Snow:

S.B. 1611, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SHERIFFS TO INSPECT PRESCRIPTION PROFILES AND STOCKS OF CONTROLLED SUBSTANCES.

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

By Senator Snow:

S.B. 1612, A BILL TO BE ENTITLED AN ACT TO GIVE THE EASTERN BAND OF CHEROKEE INDIANS THE STATUS OF A STATE THE SAME AS PROVINCES OF CANADA FOR THE PURPOSES OF RECORDING CONVICTIONS FROM THE CHEROKEE TRIBAL COURTS.

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

By Senator Snow:

S.B. 1613, A BILL TO BE ENTITLED AN ACT TO INCLUDE METHADONE, AND ALL OTHER SCHEDULE II CONTROLLED SUBSTANCES, IN THE LAW THAT PROVIDES THAT THE UNLAWFUL DISTRIBUTION OF CERTAIN CONTROLLED SUBSTANCES THAT CAUSES THE DEATH OF THE USER IS SECOND DEGREE MURDER.

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

By Senator Garrou:

S.B. 1614, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE BROADBAND CONNECTIVITY FOR PUBLIC SCHOOLS.

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

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By Senator Garrou:

S.B. 1615, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR FOCUSED GROWTH AND SPECIAL NEEDS INSTITUTIONS.

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

By Senator Garrou:

S.B. 1616, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR VIRTUAL LEARNING.

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

By Senators Dorsett; Atwater and Snow:

S.B. 1617, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE TEACHING FELLOWS PROGRAM.

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

By Senators Malone; Dorsett, Lucas and Stevens:

S.B. 1618, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WAKE COUNTY HOSPICE, INC., TO SUPPORT PRIVATE ROOMS FOR END-OF-LIFE PATIENTS.

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

By Senators Malone; Cowell, Dorsett, Lucas and Stevens:

S.B. 1619, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE INTER-FAITH FOOD SHUTTLE.

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

By Senators Malone; Cowell, Dorsett, Lucas and Stevens:

S.B. 1620, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RESTORE THE HISTORIC RALEIGH SAFETY CLUB.

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

By Senator Hoyle:

S.B. 1621, A BILL TO BE ENTITLED AN ACT TO REVISE THE WAGE STANDARD UNDER THE BILL LEE ACT FOR CERTAIN TEXTILE MANUFACTURERS WHOSE BUSINESS UTILIZES A CONTINUOUS MANUFACTURING PROCESS IN SEPARATE FACILITIES.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 1622, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOYS AND GIRLS CLUBS OF NORTH CAROLINA.

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

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By Senator Berger of Franklin:

S.B. 1623, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR GAMEPLAN INCORPORATED, A NONPROFIT ORGANIZATION, FOR CAREER AND LIFE SERVICES FOR YOUTH IN OXFORD, NORTH CAROLINA.

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

By Senators Albertson; Allran, Apodaca, Atwater, Berger of Franklin, Bingham, Bland, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Garwood, Graham, Hartsell, Holloman, Hoyle, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Nesbitt, Presnell, Rand, Snow, Soles, Swindell, Webster and Weinstein:

S.B. 1624, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR NORTH CAROLINA STATE UNIVERSITY TO ESTABLISH THE WILLIAMSDALE FARM ENERGY FIELD LABORATORY IN DUPLIN COUNTY AND TO FUND VARIOUS INNOVATIVE AGRICULTURAL PROGRAMS OFFERED BY THE COLLEGE OF AGRICULTURE AND LIFE SCIENCES AT NORTH CAROLINA STATE UNIVERSITY.

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

By Senator Soles:

S.B. 1625, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHADBOURN DEPOT.

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

By Senator Soles:

S.B. 1626, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PLAN THE BRUNSWICK COUNTY EXPOSITION CENTER.

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

By Senators Forrester, Goodall; Allran, Berger of Rockingham, Jacumin and Presnell:

S.B. 1627, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SECURITY AND IMMIGRATION COMPLIANCE ACT TO PROVIDE FOR THE COMPREHENSIVE REGULATION OF PERSONS IN THIS STATE WHO ARE NOT LAWFULLY PRESENT IN THE UNITED STATES.

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

By Senator Stevens:

S.B. 1628, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WAKE.

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

By Senators Stevens; Atwater, Berger of Franklin, Bingham, Brock, Clodfelter, Cowell, Garrou, Garwood, Hagan, Hartsell, Kerr, Lucas, Malone, Nesbitt, Purcell, Rand, Smith, Snow, Swindell, Tillman and Weinstein:

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S.B. 1629, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR RESEARCH AND JOBS.

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

By Senators Nesbitt; Apodaca and Atwater:

S.B. 1630, A BILL TO BE ENTITLED AN ACT TO RAISE THE INCOME ELIGIBILITY AND EXCLUSION AMOUNTS FOR THE PROPERTY TAX HOMESTEAD EXCLUSION.

Referred to the **Finance Committee**.

By Senators Nesbitt; and Apodaca:

S.B. 1631, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE WESTERN HIGHLANDS NETWORK, A MENTAL HEALTH LOCAL MANAGEMENT ENTITY, AND TO THE MOUNTAIN AREA HEALTH EDUCATION CENTER.

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

By Senators Nesbitt; and Apodaca:

S.B. 1632, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FIRST STEP FARM LOCATED IN CANTON, NORTH CAROLINA.

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

By Senators Nesbitt; and Apodaca:

S.B. 1633, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING TO THE STATE HIGHWAY PATROL FOR THE PURCHASE OF HELICOPTERS FOR THE IMPLEMENTATION OF AIR SUPPORT IN LAW ENFORCEMENT AND SEARCH AND RESCUE OPERATIONS.

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

By Senators Nesbitt; and Apodaca:

S.B. 1634, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE ASHEVILLE ART MUSEUM'S FACILITIES.

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

By Senators Nesbitt; and Apodaca:

S.B. 1635, 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 Senators Nesbitt; and Apodaca:

S.B. 1636, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT AN EMERGENCY VEHICLE DRIVING FACILITY ON THE CAMPUS OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE.

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

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By Senators Nesbitt; and Apodaca:

S.B. 1637, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NEW FORESTRY OFFICE AND STORAGE BUILDING IN BUNCOMBE COUNTY AND TO ALLOW THE DIVISION OF FOREST RESOURCES TO RETAIN PROCEEDS FROM THE SALE OF REAL PROPERTY IN BUNCOMBE COUNTY FOR THE NEW FORESTRY OFFICE AND STORAGE BUILDING.

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

By Senators Nesbitt; and Apodaca:

S.B. 1638, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EBLEN CHARITIES FOR THE CONSTRUCTION OF THE EBLEN CENTER FOR SOCIAL ENTERPRISE.

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

By Senators Bland; and Hagan:

S.B. 1639, 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 Bland:

S.B. 1640, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE FERRYMON PROJECT.

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

By Senators Bland; and Nesbitt:

S.B. 1641, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE DEPARTMENT OF TRANSPORTATION, DIVISION OF AVIATION, TO THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY FOR THE EXPANSION OF THE CRAVEN COUNTY AIRPORT.

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

By Senators Bland; Nesbitt and Rand:

S.B. 1642, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CAPITAL FACILITIES COSTS OF AN EDUCATION CENTER AT TRYON PALACE.

Referred to the **Finance Committee**.

By Senator Bland:

S.B. 1643, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITION AND AN ADDITIONAL VICTIM WITNESS ASSISTANT FOR PROSECUTORIAL DISTRICT 3B.

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

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By Senator Apodaca:

S.B. 1644, 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. 1645, 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. 1646, 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 Purcell:

S.B. 1647, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF HOFFMAN FOR A FEASIBILITY STUDY ON SEWER SERVICES.

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

By Senator Purcell:

S.B. 1648, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE MEDICAID RATE FOR PERSONAL CARE SERVICES.

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

By Senators Purcell, Dalton; and Atwater:

S.B. 1649, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE T.E.A.C.H. EARLY CHILDHOOD PROJECT.

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

By Senators Purcell; and Atwater:

S.B. 1650, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO GRANT INFLATIONARY INCREASES TO THE RATES OF REIMBURSEMENT FOR CERTAIN MEDICAID PROVIDERS.

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

By Senators Purcell; and Atwater:

S.B. 1651, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ASSIST CERTAIN INDIVIDUALS WITH PRESCRIPTION DRUG COSTS.

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

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By Senator Purcell:

S.B. 1652, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THREE ADDITIONAL ASSISTANT DISTRICT ATTORNEYS FOR PROSECUTORIAL DISTRICT 20A AND A FORENSIC SCIENTIST POSITION FOR PROSECUTORIAL DISTRICT 20/20A.

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

By Senator Purcell:

S.B. 1653, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA MEDICAL CARE COMMISSION TO PROVIDE FOR A REPRESENTATIVE OF HOME AND HOSPICE CARE.

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

By Senators Purcell; and Atwater:

S.B. 1654, 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**.

By Senators Purcell; and Atwater:

S.B. 1655, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO ASSIST COUNTY DEPARTMENTS OF SOCIAL SERVICES THAT PLACE CHILDREN WITH RELATIVES WHO ARE NOT LICENSED TO PROVIDE FOSTER CARE SERVICES.

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

By Senators Purcell; and Atwater:

S.B. 1656, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FEDERAL TANF BLOCK GRANT FUNDS FOR DOMESTIC VIOLENCE PREVENTION AND EDUCATION SERVICES.

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

By Senators Kerr and Nesbitt:

S.B. 1657, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL FACILITIES COSTS FOR TWO NEW PSYCHIATRIC HOSPITALS.

Referred to the **Finance Committee**.

By Senators Kerr and Nesbitt:

S.B. 1658, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR THE CONSTRUCTION OF TWO NEW PSYCHIATRIC HOSPITALS.

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

By Senator Hartsell:

S.J.R. 1659, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF KANNAPOLIS ON THE OCCASION OF THE CITY'S CENTENNIAL ANNIVERSARY.

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

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By Senator Hartsell:

S.B. 1660, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THREE ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS FOR DISTRICT 19A.

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

By Senator Swindell:

S.B. 1661, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT AN ASPHALT DRIVING TRAINING SITE ON THE CAMPUS OF NASH COMMUNITY COLLEGE.

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

By Senator Swindell:

S.B. 1662, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ROCKY MOUNT CHILDREN'S MUSEUM.

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

By Senator Snow:

S.B. 1663, A BILL TO BE ENTITLED AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

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

By Senator East:

S.B. 1664, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF YADKIN.

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

By Senator East:

S.B. 1665, A BILL TO BE ENTITLED AN ACT TO EXEMPT STOKES COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

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

By Senator Soles:

S.B. 1666, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF SUNSET BEACH TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF CONSTRUCTING SEWAGE COLLECTION AND TREATMENT FACILITIES PRIOR TO THE CONSTRUCTION OF THE FACILITIES.

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

By Senator Garrou:

S.B. 1667, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE FUNDING FOR THE GRASSROOTS ARTS AND BASIC GRANTS/GENERAL SUPPORT GRANTS PROGRAMS OF THE NORTH CAROLINA ARTS COUNCIL.

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

May 18, 2006

By Senator Garrou:

S.B. 1668, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE ONE NORTH CAROLINA SMALL BUSINESS ACCOUNT AND TO APPROPRIATE FUNDS TO THE NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY TO STUDY THE ROLE OF INNOVATION-BASED ENTREPRENEURIAL BUSINESSES IN THE STATE.

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

By Senator Garrou:

S.B. 1669, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN INVENTORY OF STATE INFRASTRUCTURE, INCLUDING MODERN COMMUNICATIONS TECHNOLOGY INFRASTRUCTURE.

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

By Senator Garrou:

S.B. 1670, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A RETIRED PIEDMONT AIRLINES PILOT SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

By Senator Swindell:

S.B. 1671, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SCIENCE MUSEUMS OF WILSON.

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

By Senator Swindell:

S.B. 1672, A BILL TO BE ENTITLED AN ACT TO RESTORE THE DISCRETIONARY CUTS IN THE PUBLIC SCHOOL BUDGET.

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

By Senator Jenkins:

S.B. 1673, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT OF AIRSPACE ABOVE STATE ROAD 1250, SPRINGFIELD ROAD, NEAR ROCKY MOUNT FOR THE CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM.

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

By Senator Weinstein:

S.B. 1674, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO MATCH FEDERAL FUNDS FOR THE COMPLETION OF THE BELHAVEN HARBOR BREAKWATER PROJECT.

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

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By Senator Weinstein:

S.B. 1675, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO DEVELOP THE SEAFOOD INDUSTRY IN THE STATE BY EXPANDING AND IMPROVING THE WANCHESE SEAFOOD INDUSTRIAL PARK.

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

By Senator Weinstein:

S.B. 1676, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE OPERATIONS OF THE AQUARIUMS AND TO AUTHORIZE THE USE OF RECEIPTS FOR CONSTRUCTION OF AQUARIUM TANKS AND IMPROVEMENTS TO PIERS.

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

By Senator Kinnaird:

S.B. 1677, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

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

By Senator Kinnaird:

S.B. 1678, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

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

By Senator Jacumin:

S.B. 1679, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A FOOTHILLS ALLIED HEALTH AND SCIENCE HIGHER EDUCATION CENTER OPERATED BY WESTERN PIEDMONT COMMUNITY COLLEGE.

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

By Senator Boseman:

S.B. 1680, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR NEW GUARDIAN AD LITEM PROGRAM STAFF.

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

By Senator Purcell:

S.B. 1681, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL AND TO APPROPRIATE FUNDS THEREFOR.

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

By Senator Weinstein:

S.B. 1682, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PLANNING FOR THE EXPANSION OF THE COLLEGE OF

VETERINARY MEDICINE AND ITS LABORATORIES AT NORTH CAROLINA STATE UNIVERSITY.

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

By Senator Weinstein:

S.B. 1683, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE LOCAL FESTIVALS GRANT PROGRAM.

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

By Senator Weinstein:

S.B. 1684, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO COMPLETE CONSTRUCTION OF THE GRAVEYARD OF THE ATLANTIC MUSEUM, A NONPROFIT CORPORATION, AND FOR IMPROVEMENTS AND EXHIBITS AT THE MUSEUM AND TO PROVIDE FUNDING FOR THE GRAVEYARD OF THE ATLANTIC MUSEUM THROUGH THE GRASSROOTS SCIENCE PROGRAM.

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

By Senator Weinstein:

S.B. 1685, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMMUNITY DEVELOPERS OF BEAUFORT-HYDE, INC., A NONPROFIT CORPORATION, FOR THE PURPOSE OF PROVIDING WORKFORCE TRAINING TO CITIZENS OF DISTRESSED COMMUNITIES IN EASTERN NORTH CAROLINA.

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

By Senator Lucas:

S.B. 1686, A BILL TO BE ENTITLED AN ACT AMENDING THE DURHAM COUNTY ROOM OCCUPANCY TAX PROVISIONS.

Referred to the **Finance Committee**.

By Senator Lucas:

S.B. 1687, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH TWO ADDITIONAL DISTRICT COURT JUDGESHIPS IN DISTRICT COURT DISTRICT 14.

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

By Senator Rand:

S.B. 1688, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA REAL ESTATE COMMISSION TO REMOVE THE TEN PERCENT CEILING ON ITS EXPENSE RESERVE FUND UNDER THE REAL ESTATE LICENSING LAWS.

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

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By Senator Rand:

S.B. 1689, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF FAYETTEVILLE FOR INFRASTRUCTURE IMPROVEMENTS.

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

By Senator Rand:

S.B. 1690, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE SMALL BUSINESS CONTRACTOR ACT AND TO APPROPRIATE FUNDS TO THE NORTH CAROLINA SMALL BUSINESS CONTRACTOR AUTHORITY FOR THE PURPOSE OF MAKING LOANS AND PROVIDING FINANCIAL ASSISTANCE UNDER THE ACT.

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

By Senator Rand:

S.B. 1691, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR CAPITAL IMPROVEMENTS AT THE MUSEUM OF THE CAPE FEAR.

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

By Senator Hoyle:

S.B. 1692, 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 Hoyle:

S.B. 1693, A BILL TO BE ENTITLED AN ACT TO SET THE UTILITIES REGULATORY FEE AND THE INSURANCE REGULATORY FEE.

Referred to the **Finance Committee**.

By Senators Rand; Berger of Franklin, Bland, Cowell, Dalton, Dannelly, Hagan, Hartsell, Jenkins, Kerr, Lucas, Snow, Soles and Swindell:

S.B. 1694, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES, AND TO MAKE CONFORMING CHANGES.

Referred to the **Judiciary II Committee**.

By Senator Cowell:

S.B. 1695, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA THEATRE CONFERENCE FOR THE STONELEAF THEATRE FESTIVAL.

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

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By Senator Weinstein:

S.B. 1696, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO INCREASE THE SALARY OF EMPLOYEES STATIONED AT THE COROLLA LIGHTHOUSE.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 9:04 P.M.

ONE HUNDRED THIRTY-FIFTH DAY

Senate Chamber
Monday, May 22, 2006

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

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

"When we pray, 'Lead us not into temptation,' we are not asking that you keep us from being tested, O God. The refiner's fire is good for character. Temptations are really tests, that's it. They are not meant to weaken us. They are events from which we might emerge stronger. They are not the penalty for being human, they are the glory of being human. So be with us in our times of testing this week that we might emerge stronger and better people. To your glory, Amen."

The Chair grants leaves of absence for tonight to Senator Miller and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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 Chair extends the privileges of the floor to Dr. Conrad Flick from Raleigh, 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.

CALENDAR

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

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S.B. 1210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MANDATE THAT CHILDREN ENTERING KINDERGARTEN OBTAIN A COMPREHENSIVE EYE EXAMINATION, THE GOVERNOR'S VISION CARE PROGRAM, AND THE GOVERNOR'S COMMISSION ON EARLY CHILDHOOD VISION CARE; AND TO PROVIDE THAT FUNDS APPROPRIATED TO THE RESERVE FOR THE GOVERNOR'S VISION CARE PROGRAM SHALL REVERT TO THE GENERAL FUND.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, May 30.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

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

S.B. 1741, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005, TO ENACT AN EARLY REDUCTION IN THE SALES TAX RATE AND AN EARLY REDUCTION IN THE INCOME TAX RATE APPLICABLE TO MOST SMALL BUSINESSES, TO INCREASE THE MINIMUM WAGE, AND TO PROVIDE FOR THE FINANCING OF CONSTRUCTION OF PSYCHIATRIC HOSPITALS AND OTHER CAPITAL PROJECTS.

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

SENATE PAGES

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

Tiffany Renee Bell, Wake Forest; Brooks Thomas Best, Goldsboro; Kaenan Joshua Caison, Wilmington; Samuel Cox, Raleigh; Keiston Levias Dade Grier, Charlotte; Jeffrey Johnson, Dunn; Challen King, Charlotte; Terry O. McLean, Youngsville; Alexander L. Peacock, Goldsboro; Joseph Ryan Skrabal, Wilmington; Brandon Smith, Ernul; Meghan Taylor, Chapel Hill; Kendra Denea Whitworth, Shelby; and John Lucas Phillip Wood, Elizabeth City.

ADDITIONAL SPONSORS

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

S.B. 1575, A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW

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LANDFILLS IN THE STATE AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO SOLID WASTE DISPOSAL IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

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

S.B. 1206, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE ADDITIONAL FUNDING FOR THE AID TO PUBLIC LIBRARIES FUND.

S.B. 1288, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A FOUR-YEAR PERIOD.

S.B. 1617, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE TEACHING FELLOWS PROGRAM.

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

S.B. 1220, A BILL TO BE ENTITLED AN ACT TO ENSURE THE INTEGRITY OF THE HIGHWAY TRUST FUND BY REQUIRING REPAYMENT OF EXCESS TRANSFERS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND.

S.B. 1221, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT IF THE STATE OPERATES A LOTTERY, THAT THE NET PROCEEDS SHALL BE DEDICATED TO EDUCATION, AND TO FORBID THE NET PROCEEDS FROM SUPPLANTING OTHER EXPENDITURES FOR THE SAME PURPOSES.

S.B. 1283, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TREATMENT OF DEFERRED TAX ASSETS IN THE COMPUTATION OF THE FRANCHISE TAX CAPITAL BASE.

S.B. 1364, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX CERTAIN COMPENSATION PAID TO MILITARY PERSONNEL OR THEIR SURVIVORS.

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

S.B. 1288, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A FOUR-YEAR PERIOD.

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S.B. 1608, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PERSONS NOT LAWFULLY IN THE UNITED STATES ARE NOT ELIGIBLE FOR IN-STATE TUITION AT ANY CONSTITUENT INSTITUTION OR AT ANY COMMUNITY COLLEGE.

S.B. 1627, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SECURITY AND IMMIGRATION COMPLIANCE ACT TO PROVIDE FOR THE COMPREHENSIVE REGULATION OF PERSONS IN THIS STATE WHO ARE NOT LAWFULLY PRESENT IN THE UNITED STATES.

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

S.B. 1323, A BILL TO BE ENTITLED AN ACT TO IMPOSE CONSTITUTIONAL LIMITS ON THE GROWTH OF THE STATE BUDGET.

S.B. 1324, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT EMINENT DOMAIN FROM BEING USED FOR ECONOMIC DEVELOPMENT PURPOSES.

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

S.B. 1617, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE TEACHING FELLOWS PROGRAM.

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

S.B. 1617, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE TEACHING FELLOWS PROGRAM.

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

S.B. 1617, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE TEACHING FELLOWS PROGRAM.

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

S.B. 1695, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA THEATRE CONFERENCE FOR THE STONELEAF THEATRE FESTIVAL.

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

S.J.R. 1659, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF KANNAPOLIS ON THE OCCASION OF THE CITY'S CENTENNIAL ANNIVERSARY.

Upon motion of Senator Basnight, seconded by Senator Holloman, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet tomorrow, Tuesday, May 23, at 2:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 1806, A BILL TO BE ENTITLED AN ACT TO ADD TYRRELL COUNTY TO THE LIST OF COUNTIES WHERE THE BOARD OF COMMISSIONERS MAY REQUIRE THE REGISTER OF DEEDS TO HAVE A CERTIFICATION THAT NO TAXES ARE DUE ON REAL PROPERTY BEFORE ACCEPTING FOR REGISTRATION A DEED TRANSFERRING OWNERSHIP OF THAT PROPERTY.

Referred to the **Finance Committee**.

H.B. 1824, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT TO PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE BIKEWALK VIRGINIA EVENT TO BE HELD IN HALIFAX COUNTY.

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

H.B. 1852, A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENTAL ENTITY OUTSIDE OF LINCOLN COUNTY MAY ANNEX ANY PORTION OF THAT COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO LINCOLN COUNTY.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:25 P.M.

May 22, 2006

ONE HUNDRED THIRTY-SIXTH DAY

Senate Chamber
Tuesday, May 23, 2006

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 long list of the ways people and organizations would like for the Legislature to spend budget money always stands in stark juxtaposition to the limited amount of revenues available. Over the next days, we pray that you would guide the Senators' consideration of their budget proposal. We are reminded that the responsibility of government is not to confer happiness, but to give people the opportunity to work out their own fulfillment and happiness. Amen."

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

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

The Chair extends the privileges of the floor to Dr. Aurora Pajeau from Rocky Mount, 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:

H.B. 1868, AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE DEPARTMENT OF CORRECTION. (Became law upon approval of the Governor, May 20, 2006 - S.L. 2006-2.)

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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

S.B. 1741, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005, TO ENACT AN EARLY REDUCTION IN THE SALES TAX RATE AND AN EARLY REDUCTION IN THE INCOME TAX RATE APPLICABLE TO MOST SMALL

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BUSINESSES, TO INCREASE THE MINIMUM WAGE, AND TO PROVIDE FOR THE FINANCING OF CONSTRUCTION OF PSYCHIATRIC HOSPITALS AND OTHER CAPITAL PROJECTS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendments No. 1, 2, 3, 4, and 5 are adopted and engrossed.

Upon motion of Senator Garrou, the bill is re-referred to the **Pensions & Retirement and Aging Committee**.

The Senate recesses at 2:18 P.M. for the purpose of a Pensions & Retirement and Aging 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.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 1819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT ANNEXATION OF ANY PART OF THE TERRITORY OF THE LYONS STATION SANITARY DISTRICT.

Referred to the **Finance Committee**.

RESIGNATION OF SENATOR WILLIAM B. MILLER, SR.



North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-2808

The Honorable Michael Easley
Governor of North Carolina

Dear Governor Easley:

It has been my high honor to serve the people of North Carolina's 31st Senate District since the untimely death of Senator Hamilton Horton. It has been a

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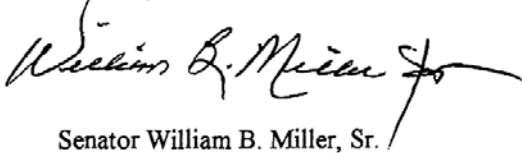
privilege that I did not expect to have during my life. I am humbled by the faith and trust the people have given me.

As there is only one candidate remaining for the 31st North Carolina Senate race in 2006 and that candidate is all but assured of becoming the next Senator to represent these great people, I feel that it is best that I vacate this seat as of May 29, 2006, so that Pete Brunstetter can begin his service in the Senate.

Therefore, I shall resign my seat upon your appointment of the next Senator, pursuant to N.C.G.S. 163-11.

I understand that the Forsyth County Republican Party Executive Committee will meet soon to make a recommendation to you pursuant to the statute. I humbly request that you make the appointment with such expediency that the people of the 31st Senate District do not go without representation on any votes which might come before the North Carolina Senate.

Sincerely,



Senator William B. Miller, Sr.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

S.B. 1741 (As amended by the Appropriations/Base Budget Committee), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005, TO ENACT AN EARLY REDUCTION IN THE SALES TAX RATE AND AN EARLY REDUCTION IN THE INCOME TAX RATE APPLICABLE TO MOST SMALL BUSINESSES, TO INCREASE THE MINIMUM WAGE, AND TO PROVIDE FOR THE FINANCING OF CONSTRUCTION OF PSYCHIATRIC HOSPITALS AND OTHER CAPITAL PROJECTS, with a favorable report.

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

PERSONAL PRIVILEGE

Upon motion of Senator Berger of Rockingham, the remarks of Senator Blake announcing the death of former Senator Teena Little are spread upon the Journal, as follows:

May 23, 2006

By Senator Blake:

“Madame President and fellow Senators, I just got word about an hour ago that Senator Teena Little had passed away this morning and I want to make some comments if you’ll allow me to do it. Some of you may know, but Teena and I were in a primary contest three years ago. She was a candidate for the office that I now hold and I can truly say that Teena and I never used any personal comments that would be directed personally and today when I had heard that she had passed away, I thought how wonderful it was - the relationship that she and I have had for probably forty years. All of you know Teena, I think. She has been on many State Boards and served in the Senate for one or two terms. We all know her husband, I’m sure, George Little, and I know that they would appreciate your prayers and he would appreciate your prayers to help him through this difficult time. Many of you know that George and Teena had a grandchild that was killed a few years back by an automobile accident and this was very difficult for them. I saw Teena about a month ago. I knew that she was not well, but I did not realize that she was as close to death as she was. I stand before you today feeling pretty positive because the relationship that she and her family and we’ve had is the way I think that human beings should get along in this world and I say, ‘Teena, thank you for being a part of my being here today.’ I’m sure that she would look down on us and say do your job well and it was wonderful to have worked with you one time in the Senate and we say to Teena we all love you and you were a wonderful person and you did so much, not only for Moore County, but for the whole State. Thank you very much, Madame President.”

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 2274, A JOINT RESOLUTION HONORING THE FOUNDERS OF ALPHA PHI ALPHA FRATERNITY, INCORPORATED.

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

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.

REMOVAL OF BILL CO-SPONSOR

Senator Graham requests that he be removed as a sponsor of previously introduced legislation:

S.B. 1219, A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL CAPITAL CONSTRUCTION FORMULA IN THE STATE LOTTERY ACT TO PROVIDE FOR DISTRIBUTION OF ALL THE FUNDS BASED ON AVERAGE DAILY MEMBERSHIP.

May 23, 2006

Upon motion of Senator Dannelly, seconded by Senator Malone, the Senate adjourns in memory of former Senator Teena Little of Moore County, and Josh Shipman and in honor of the Alpha Phi Alpha fraternity upon its 100th Anniversary, subject to introduction of bills and receipt of committee reports to meet tomorrow, Wednesday, May 24, at 2:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Purcell; and Snow:

S.B. 1697, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE ESTABLISHMENT AND SUSTAINABILITY OF HEALTHY CAROLINIANS PARTNERSHIPS HEALTH PROMOTION INITIATIVES IN EACH COUNTY.

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

By Senator Purcell:

S.B. 1698, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE FUNDING FOR DOCTORAL PSYCHOLOGY INTERNSHIP PROGRAMS.

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

By Senators Purcell; and Snow:

S.J.R. 1699, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA MEDICAL CARE COMMISSION TO PROVIDE FOR A REPRESENTATIVE OF HOME AND HOSPICE CARE.

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

By Senators Purcell; and Snow:

S.B. 1700, 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 Senator Purcell:

S.B. 1701, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE RICHMOND COMMUNITY COLLEGE SCOTLAND CENTER PROJECT.

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

By Senators Purcell; and Snow:

S.B. 1702, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ALS ASSOCIATION JIM "CATFISH" HUNTER CHAPTER.

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

May 23, 2006

By Senator Purcell:

S.B. 1703, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TEACCH PROGRAM AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

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

By Senators Purcell; and Snow:

S.B. 1704, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PURCHASE AND DISTRIBUTION OF AUTOMATIC EXTERNAL DEFIBRILLATORS IN PUBLIC BUILDINGS.

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

By Senator Rand:

S.B. 1705, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF PHASE II OF THE CAPE FEAR RIVER TRAIL LOCATED IN THE FAYETTEVILLE AREA.

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

By Senator Rand:

S.B. 1706, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SPOUSE-TO-TEACHER PROGRAM AND TO SIMPLIFY THE REQUIREMENTS OF LATERAL ENTRY PROGRAMS FOR MILITARY PERSONNEL AND THEIR SPOUSES.

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

By Senator Swindell:

S.B. 1707, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COLLEGE OF THE ALBEMARLE FOR A NEW FACILITY TO HOUSE VOCATIONAL TRAINING CURRICULUMS ON THE COLLEGE'S DARE COUNTY CAMPUS.

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

By Senator Swindell:

S.B. 1708, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EACH REGIONAL COUNCIL OF GOVERNMENT IN THE STATE.

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

By Senator Swindell:

S.B. 1709, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INCREASED COSTS OF NECESSARY TRAVEL REIMBURSEMENTS FOR SOIL AND WATER CONSERVATION DISTRICT SUPERVISORS PERFORMING THEIR DUTIES AND PARTICIPATING IN ENVIRONMENTAL ACTIVITIES.

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

May 23, 2006

By Senator Swindell:

S.B. 1710, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE BOAT-BUILDING CURRICULUM AT THE DARE COUNTY CAMPUS OF THE COLLEGE OF THE ALBEMARLE.

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

By Senator Atwater:

S.B. 1711, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A SMALL COMMUNITY AUDITORIUM ON THE PITTSBORO CAMPUS OF CENTRAL CAROLINA COMMUNITY COLLEGE.

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

By Senator Atwater:

S.B. 1712, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ADDITIONAL DISTRICT COURT JUDGE AND THREE ADDITIONAL ASSISTANT DISTRICT ATTORNEYS IN DISTRICT 15B.

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

By Senator Atwater:

S.B. 1713, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FOR THE YOUTH DEVELOPMENT SCHOLARSHIP PROGRAM.

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

By Senator Weinstein:

S.B. 1714, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PEMBROKE RESCUE SQUAD.

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

By Senator Weinstein:

S.B. 1715, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TOWN OF PEMBROKE RECREATION CENTER.

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

By Senator Weinstein:

S.B. 1716, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS FOR THE REPAIR, RECONSTRUCTION, AND EXPANSION OF THE CHANCELLOR'S RESIDENCE AT THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE.

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

By Senator Weinstein:

S.B. 1717, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPENSES RELATED TO MOVING THE PARKTON RAILROAD DEPOT TO LAND OWNED BY THE PARKTON HISTORICAL FOUNDATION.

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

May 23, 2006

By Senator Weinstein:

S.B. 1718, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE SALARIES OF STAFF OF THE DIVISION OF WATER QUALITY, TO ESTABLISH A PROFESSORSHIP DEDICATED TO SHELLFISH RESEARCH, TO ESTABLISH THREE NEW POSITIONS IN THE DIVISION OF MARINE FISHERIES, TO MAP SHELLFISH RESOURCES AND HABITATS, TO ESTABLISH A SHELLFISH RESOURCE GRANT PROGRAM, TO CONTINUE OPERATION OF THE SEA GRANT PROGRAM, TO ESTABLISH THE ALBEMARLE SOUND RIVER HERRING MANAGEMENT PROGRAM, AND TO ESTABLISH TWO SHORELINE SURVEYORS AND A GIS STAFF PERSON IN THE DIVISION OF ENVIRONMENTAL HEALTH.

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

By Senator Purcell:

S.B. 1719, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE ROTARY PLANETARIUM AND SCIENCE CENTER.

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

By Senator Purcell:

S.B. 1720, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EXTENSION OF A PORTION OF THE LOOP ROAD AROUND STANLY COMMUNITY COLLEGE.

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

By Senator Purcell:

S.B. 1721, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF FACILITY SERVICES, TO ENHANCE FAIR AND CONSISTENT APPLICATION OF THE CERTIFICATE OF NEED LAW AND THE HEALTH PLANNING PROCESS.

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

By Senator Purcell:

S.B. 1722, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO EXPAND NURSING AND HEALTH CARE.

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

By Senator Purcell:

S.B. 1723, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DOMESTIC VIOLENCE AND RAPE CRISIS CENTER OF SCOTLAND COUNTY, INC.

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

May 23, 2006

By Senator Lucas:

S.B. 1724, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM PROVIDING FOR A BONUS DIFFERENTIAL FOR MATH AND SCIENCE TEACHERS/PILOT PROGRAM.

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

By Senator Lucas:

S.B. 1725, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SALARY OF NATIONALLY CERTIFIED SCHOOL PSYCHOLOGISTS.

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

By Senator Swindell:

S.B. 1726, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER IN WHICH MEMBERSHIP LIMITS ARE SET FOR THE NORTH CAROLINA INSTITUTE OF MEDICINE AND TO APPROPRIATE FUNDS TO THE INSTITUTE OF MEDICINE FOR EXPANSION PURPOSES.

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

By Senator Swindell:

S.B. 1727, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF WILSON TO DEVELOP A MASTER PLAN FOR THE REDEVELOPMENT OF THE CITY'S HISTORIC DOWNTOWN AREA.

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

By Senator Swindell:

S.B. 1728, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR A SUMMER THEATER PROGRAM TO BE DEVELOPED BY EAST CAROLINA UNIVERSITY AND TURNAGE THEATERS FOUNDATION, INC., A NONPROFIT CORPORATION.

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

By Senator Swindell:

S.B. 1729, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO SUPPORT THE BOARD'S PRIORITY OF TEACHING AND K-12 EDUCATION.

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

By Senator Garwood:

S.B. 1730, 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 Garwood:

S.B. 1731, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ALEXANDER.

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

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By Senator Garwood:

S.B. 1732, 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. 1733, 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 Hartsell:

S.B. 1734, A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF HARRISBURG.

Referred to the **Finance Committee**.

By Senators Lucas and Malone:

S.B. 1735, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH AND OPERATE AN IMMIGRATION LAW CLINIC AT NORTH CAROLINA CENTRAL UNIVERSITY.

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

By Senator Atwater:

S.B. 1736, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A GOLD STAR SPECIAL PLATE TO IMMEDIATE FAMILY MEMBERS OF A PERSON WHO LOST HIS OR HER LIFE IN ACTIVE MILITARY SERVICE.

Referred to the **Finance Committee**.

By Senator Dalton:

S.B. 1737, A BILL TO BE ENTITLED AN ACT EARMARKING THE TAX COLLECTED ON LOTTERY WINNINGS FOR COMMUNITY COLLEGE EQUIPMENT.

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

By Senator Dalton:

S.B. 1738, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TRIAL REHABILITATION PERIODS FOR PERSONS WHO HAVE BEEN RECEIVING LONG-TERM DISABILITY BENEFITS UNDER THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO ALLOW THOSE PERSONS TO ATTEMPT A RETURN TO WORK WITHOUT BEING PENALIZED.

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

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By Senator Garrou:

S.B. 1739, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR AN ENVIRONMENTAL CLEANUP AT THE SCHOOL OF THE ARTS.

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

By Senators Garrou, Dalton and Hagan:

S.B. 1740, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, AS RECOMMENDED BY THE GOVERNOR.

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

By Senators Dorsett; Graham, Holloman, Hoyle, Lucas, Malone, Purcell and Snow:

S.B. 1742, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND DISABLED PERSONS AND TO APPROPRIATE FUNDS FOR THE SERVICE.

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

By Senator Dannelly:

S.B. 1743, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

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

By Senator Dannelly:

S.B. 1744, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

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

By Senator Dannelly:

S.B. 1745, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

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

By Senator Dannelly:

S.B. 1746, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

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

By Senators Kinnaird; Atwater and Boseman:

S.B. 1747, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ADDITIONAL DISTRICT COURT JUDGESHIP AND THREE ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS IN DISTRICT 15B.

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

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By Senator Dannelly:

S.B. 1748, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

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

By Senator Dannelly:

S.B. 1749, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

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

By Senator Smith:

S.B. 1750, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF JOHNSTON.

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

By Senator Atwater:

S.B. 1751, A BILL TO BE ENTITLED AN ACT TO ALLOCATE FUNDS FOR THE STUDY OF A TRANSPORTATION CORRIDOR IN NORTHEAST CHATHAM AND SOUTHWEST DURHAM COUNTIES IN THE FARRINGTON ROAD, FARRINGTON MILL ROAD, AND STAGECOACH ROAD AREAS.

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

By Senators Atwater; and Kinnaird:

S.B. 1752, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA PUBLIC CAMPAIGN FUND.

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

By Senators Atwater and Lucas:

S.B. 1753, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ADDITIONAL DISTRICT COURT JUDGESHIP AND SEVEN ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS IN DISTRICT 14.

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

By Senator Brock:

S.B. 1754, 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. 1755, 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. 1756, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROWAN.

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

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By Senator Brock:

S.B. 1757, 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 Allran:

S.B. 1758, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SALT BLOCK FOUNDATION, INC., FOR THE RENOVATION OF THE AUDITORIUM OF THE ARTS AND SCIENCE CENTER OF CATAWBA VALLEY.

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

By Senators Purcell; Albertson, Atwater, Blake, Bland, Dalton, Dorsett, East, Hagan, Holloman, Hoyle, Jenkins, Presnell, Snow and Swindell:

S.B. 1759, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE 4-H CAMPS AND CONFERENCE CENTERS.

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

By Senator Purcell:

S.B. 1760, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO PAY PHARMACIES FOR PRESCRIPTION MANAGEMENT SERVICES RENDERED TO MEDICAID RECIPIENTS.

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

By Senator Hagan:

S.B. 1761, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA PTA.

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

By Senator Hagan:

S.B. 1762, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AMERICAN JUDICATURE SOCIETY INSTITUTE OF FORENSIC SCIENCE AND PUBLIC POLICY.

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

By Senator Hagan:

S.B. 1763, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO RENOVATE THE BUILDINGS ON THE JOINT MILLENNIUM CAMPUS SHARED BY THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO AND NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY.

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

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By Senators Bingham; and Kinnaird:

S.B. 1764, A BILL TO BE ENTITLED AN ACT TO EXEMPT RECYCLED VEGETABLE OIL FROM THE MOTOR FUELS TAX.

Referred to the **Finance Committee**.

By Senators Berger of Franklin, Tillman; Atwater, Bingham, Dorsett, Forrester, Garwood, Graham, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas and Weinstein:

S.B. 1765, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES.

Referred to the **Finance Committee**.

By Senators Snow; Atwater, Berger of Franklin, Blake, Bland, Brock, Brown, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Graham, Jenkins, Kinnaird, Lucas, Malone, Presnell, Stevens, Tillman and Weinstein:

S.B. 1766, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SPECIAL OLYMPICS NORTH CAROLINA, INC., TO SUPPORT THE SPECIAL OLYMPICS TEAM.

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

By Senators Cowell; Hunt and Stevens:

S.B. 1767, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION.

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

By Senators Cowell; Atwater, Dorsett, Graham, Hunt, Malone and Stevens:

S.B. 1768, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REIMBURSE COUNTIES AND CITIES FOR FUNDS WITHHELD DURING THE 2001-2002 FISCAL YEAR.

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

By Senators Cowell; Atwater, Hunt, Malone and Stevens:

S.B. 1769, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EARLY INTERVENTION AND DEVELOPMENTAL DAY SERVICES.

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

By Senators Cowell, Clodfelter; Atwater, Berger of Franklin, Bland, Dorsett, East, Graham, Holloman, Lucas, Malone, Snow, Stevens and Swindell:

S.B. 1770, A BILL TO BE ENTITLED AN ACT ALLOWING A SALES AND USE TAX EXEMPTION FOR LOCAL SCHOOL ADMINISTRATIVE UNITS AND REENACTING THE SALES AND USE TAX REFUND FOR LOCAL SCHOOL ADMINISTRATIVE UNITS.

Referred to the **Finance Committee**.

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By Senators Brown; Apodaca, Forrester, Garwood, Hoyle and Tillman:

S.B. 1771, A BILL TO BE ENTITLED AN ACT TO RAISE THE MINIMUM WAGE IN NORTH CAROLINA AND TO REDUCE THE CORPORATE INCOME TAX RATE.

Referred to the **Finance Committee**.

By Senators Dannelly; Albertson, Dorsett, Holloman, Hoyle, Jenkins, Kerr, Lucas, Malone, Purcell, Soles, Swindell and Weinstein:

S.B. 1772, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR UNIVERSITY CAPITAL NEEDS.

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

By Senator Graham:

S.B. 1773, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR THE KAPPA ALPHA PSI FRATERNITY.

Referred to the **Finance Committee**.

By Senator Graham:

S.B. 1774, A BILL TO BE ENTITLED AN ACT TO ESTABLISH PUBLIC SAFETY AND PROOF OF FARE PAYMENT OFFENSES FOR RAPID TRANSIT SERVICES WITHIN THE CITY OF CHARLOTTE.

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

By Senator Garwood:

S.B. 1775, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR WORKFORCE PREPAREDNESS IN WATAUGA COUNTY.

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

By Senator Albertson:

S.B. 1776, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE LENOIR COUNCIL ON AGING TO RENOVATE THE SENIOR CENTER AND EXPAND SENIOR CITIZEN PROGRAMS.

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

By Senator Albertson:

S.B. 1777, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN AMMONIA REFRIGERATION PROGRAM AT SAMPSON COMMUNITY COLLEGE.

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

By Senators Lucas and Kinnaird:

S.B. 1778, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FAMILY HOUSE AT UNC HOSPITALS.

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

By Senators Dalton and Hagan:

S.B. 1779, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX CERTAIN TITLE 32 COMPENSATION PAID TO NATIONAL GUARD PERSONNEL.

Referred to the **Finance Committee**.

By Senator Dalton:

S.B. 1780, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A MOBILE PLANETARIUM FOR THE KIDSENSES CHILDREN'S INTERACTIVE MUSEUM IN RUTHERFORD COUNTY.

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

By Senator Dalton:

S.B. 1781, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE DIVISION OF LAND RESOURCES FOR CONTRACTUAL SERVICES FOR THE DIVISION'S COUNTY BOUNDARY PROGRAM.

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

By Senator Dalton:

S.B. 1782, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR VARIOUS PUBLIC PURPOSES IN CLEVELAND COUNTY.

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

By Senator Dalton:

S.B. 1783, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CLEVELAND COMMUNITY COLLEGE AND ISOTHERMAL COMMUNITY COLLEGE.

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

By Senator Dalton:

S.B. 1784, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PREPARE FOR THE AMERICAN LEGION BASEBALL 2008 WORLD SERIES.

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**:

S.B. 1741 (As amended by the Appropriations/Base Budget Committee), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005, TO

May 23, 2006

ENACT AN EARLY REDUCTION IN THE SALES TAX RATE AND AN EARLY REDUCTION IN THE INCOME TAX RATE APPLICABLE TO MOST SMALL BUSINESSES, TO INCREASE THE MINIMUM WAGE, AND TO PROVIDE FOR THE FINANCING OF CONSTRUCTION OF PSYCHIATRIC HOSPITALS AND OTHER CAPITAL PROJECTS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendments No. 6 and No. 7 are adopted and engrossed.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:35 P.M.

ONE HUNDRED THIRTY-SEVENTH DAY

Senate Chamber
Wednesday, May 24, 2006

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 Eternal God, we come before thy presence this afternoon with thanksgiving, thanking you, our Father, for the opportunity of freedom in a land of opportunity. As we come together this afternoon as the North Carolina Senators, we pray that we do justice with love and mercy and that we do those things that are right in thy sight. Bless our President, President Bush, our Governor, Mike Easley, our Lieutenant Governor, Beverly Perdue. Bless all our elected officials that we go about the business of the people and to do what will enhance all of mankind. These and all blessings we ask in thy name. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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 Chair extends the privileges of the floor to Dr. D. E. Ward, Jr. from Lumberton, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Dickey from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.

May 24, 2006

ENROLLED BILLS

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. 2274, A JOINT RESOLUTION HONORING THE FOUNDERS OF ALPHA PHI ALPHA FRATERNITY, INCORPORATED. (Res. 3)

CALENDAR

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

S.B. 1741, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005, TO ENACT AN EARLY REDUCTION IN THE SALES TAX RATE AND AN EARLY REDUCTION IN THE INCOME TAX RATE APPLICABLE TO MOST SMALL BUSINESSES, TO CAP THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUEL TAX RATE AT ITS CURRENT RATE, TO INCREASE THE MINIMUM WAGE, AND TO PROVIDE FOR THE FINANCING OF CONSTRUCTION OF PSYCHIATRIC HOSPITALS AND OTHER CAPITAL PROJECTS.

Senator Purcell offers Amendment No. 1.

Senator Rand calls the previous question on the adoption of Amendment No. 1, seconded by Senator Dalton. The call for the previous question prevails (46-3).

Amendment No. 1 is adopted (47-2).

Senator Hartsell and Senator Pittenger offer Amendment No. 2.

Senator Hoyle calls the previous question on the adoption of Amendment No. 2, seconded by Senator Dalton. The call for the previous question prevails (48-1).

Amendment No. 2 is adopted (49-0).

Senator Nesbitt offers Amendment No. 3.

Senator Rand calls the previous question on the adoption of Amendment No. 3, seconded by Senator Dalton. The call for the previous question prevails (48-1).

Amendment No. 3 is adopted (47-2).

Senator Hunt offers Amendment No. 4, which he subsequently withdraws.

Senator Rand calls the previous question on the passage of S.B. 1741, seconded by Senator Dalton. The call for the previous question prevails (31-18).

The bill, as amended, passes its second reading, by roll-call vote, ayes 34, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Bland, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Hagan, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein—34.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Blake, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin, Miller, Pittenger, Smith, Tillman and Webster—15.

The bill, as amended, remains on the Calendar for tomorrow, May 25, upon third reading.

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ADDITIONAL SPONSORS

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

S.B. 1364, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX CERTAIN COMPENSATION PAID TO MILITARY PERSONNEL OR THEIR SURVIVORS.

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

S.B. 1225, A BILL TO BE ENTITLED AN ACT TO REQUIRE A PERFORMANCE AUDIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

S.B. 1283, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TREATMENT OF DEFERRED TAX ASSETS IN THE COMPUTATION OF THE FRANCHISE TAX CAPITAL BASE.

S.B. 1364, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX CERTAIN COMPENSATION PAID TO MILITARY PERSONNEL OR THEIR SURVIVORS.

S.B. 1500, A BILL TO BE ENTITLED AN ACT AMENDING THE CONSTITUTION OF NORTH CAROLINA TO REQUIRE LOTTERY PROCEEDS TO BE KEPT IN A SEPARATE FUND, TO REQUIRE THE FUNDS TO BE SPENT ONLY FOR EDUCATIONAL PURPOSES, AND TO PROHIBIT SUPPLANTING OTHER EDUCATION FUNDS WITH LOTTERY FUNDS.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Pittenger to the **Finance Committee**.

Upon motion of Senator Basnight, seconded by the Appropriation Chairs, the Senate adjourns subject to introduction of bills and receipt of messages from the House of Representatives, to meet tomorrow, Thursday, May 25, at 10:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Boseman:

S.B. 1785, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A TEACHER EDUCATION PILOT PROGRAM AT THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON.

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

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By Senators Clodfelter; Dannelly, Goodall and Graham:

S.B. 1786, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMENS' RETIREMENT SYSTEM.

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

By Senators Clodfelter; Dannelly, Goodall, Graham and Pittenger:

S.B. 1787, A BILL TO BE ENTITLED AN ACT TO ESTABLISH PUBLIC SAFETY AND PROOF OF FARE PAYMENT OFFENSES FOR RAPID TRANSIT SERVICES WITHIN THE CITY OF CHARLOTTE.

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

By Senators Clodfelter; Dannelly, Goodall, Graham and Pittenger:

S.B. 1788, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CIVIL SERVICE BOARD.

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

By Senator Garrou:

S.B. 1789, A BILL TO BE ENTITLED AN ACT TO EXEMPT ELECTRICITY AND PIPED NATURAL GAS SOLD TO MANUFACTURERS FROM THE SALES AND USE TAX AND THE EXCISE TAX ON PIPED NATURAL GAS.

Referred to the **Finance Committee**.

By Senator Presnell:

S.B. 1790, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE NORTH CAROLINA 4-H DEVELOPMENT FUND FOR CAPITAL PURPOSES.

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

By Senator Hartsell:

S.B. 1791, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE HISTORIC PRESERVATION FOUNDATION OF NORTH CAROLINA TO HELP EXPAND NORTH CAROLINA'S STATEWIDE REVOLVING FUND FOR HISTORIC PRESERVATION.

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

By Senator Soles:

S.B. 1792, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COLUMBUS COUNTY BOARD OF ELECTIONS TO USE A TRADITIONAL PRECINCT LINE ALONG THE BOUNDARY OF THE BLACK CREEK SCHOOL DISTRICT AND TO PLACE ALL THE RESIDENTS OF THE TOWN OF LAKE WACCAMAW IN THE SAME PRECINCT.

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

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By Senator Soles:

S.B. 1793, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PENDER COUNTY COMMISSIONERS TO REDEFINE THE COMMISSIONERS' RESIDENCY DISTRICTS TO CORRECT POPULATION INEQUALITY.

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

By Senator Soles:

S.B. 1794, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF OCEAN ISLE BEACH AND SUNSET BEACH TO ENROLL THEIR EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

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

By Senators Goodall; Allran, Apodaca, Berger of Rockingham, Bingham, Forrester, Hunt, Jacumin, Pittenger, Presnell, Smith, Stevens and Tillman:

S.B. 1795, A BILL TO BE ENTITLED AN ACT PROVIDING FOR CHARTER SCHOOLS TO RECEIVE LOTTERY PROCEEDS FOR SCHOOL CONSTRUCTION.

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

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

S.B. 1796, A BILL TO BE ENTITLED AN ACT TO SUNSET THE ADDITIONAL ONE-HALF CENT STATE SALES AND USE TAX RATE EARLY.

Referred to the **Finance Committee**.

By Senator Goodall:

S.B. 1797, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THREE ADDITIONAL ASSISTANT DISTRICT ATTORNEYS FOR PROSECUTORIAL DISTRICT 20B AND TWO VICTIM WITNESS ASSISTANT POSITIONS FOR PROSECUTORIAL DISTRICT 20B.

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

By Senator Presnell:

S.B. 1798, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RENOVATE THE CAROLINA THEATRE IN SPRUCE PINE.

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

By Senator Presnell:

S.B. 1799, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MCDOWELL COUNTY RESCUE SQUAD FOR EQUIPMENT.

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

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By Senator Presnell:

S.B. 1800, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HAYWOOD COMMUNITY COLLEGE TO MATCH FUNDS FOR A NEW BUILDING.

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

By Senator Presnell:

S.B. 1801, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE HAYWOOD COUNTY SCHOOLS FOR AIR-CONDITIONING IN THE MIDDLE SCHOOLS.

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

By Senator Apodaca:

S.B. 1802, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN ADDITIONAL DISTRICT COURT JUDGESHIP IN DISTRICT 29B AND TWO ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS AND TWO VICTIM WITNESS ASSISTANT POSITIONS IN PROSECUTORIAL DISTRICT 29.

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

By Senator Apodaca:

S.B. 1803, A BILL TO BE ENTITLED AN ACT TO RESTORE THE POSITION OF STATE DIRECTOR OF CAREER AND TECHNICAL EDUCATION FOR SECONDARY SCHOOLS IN THE DEPARTMENT OF PUBLIC INSTRUCTION.

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

By Senator Apodaca:

S.B. 1804, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF TRYON TO LEVY A ROOM OCCUPANCY TAX.

Referred to the **Finance Committee**.

By Senators Kerr and Jenkins:

S.B. 1805, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR DENTAL SCHOOLS AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL AND EAST CAROLINA UNIVERSITY.

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

By Senators Kerr and Jenkins:

S.B. 1806, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RENOVATE AND RESTORE THE HISTORIC THEATER IN UPTOWN GREENVILLE.

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

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By Senator Kerr:

S.B. 1807, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH TWO ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND ONE ADDITIONAL VICTIM WITNESS ASSISTANT POSITION FOR PROSECUTORIAL DISTRICT 8.

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

By Senators Hartsell; and Hoyle:

S.B. 1808, A BILL TO BE ENTITLED AN ACT TO EXEMPT GOLD, SILVER, AND PLATINUM BULLION FROM SALES TAX.

Referred to the **Finance Committee**.

By Senators Kerr; Albertson, Atwater, Bingham, Blake, Clodfelter, Dorsett, East, Forrester, Hartsell, Hoyle, Jenkins, Malone, Miller, Purcell, Stevens and Swindell:

S.B. 1809, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Finance Committee**.

By Senator Kerr:

S.B. 1810, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF FARMVILLE.

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

By Senators Cowell and Lucas:

S.B. 1811, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TRIANGLE URBAN LEAGUE.

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

By Senators Cowell; and Atwater:

S.B. 1812, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO BUILD A LEADERSHIP CENTER FOR THE PINES OF CAROLINA GIRL SCOUT COUNCIL.

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

By Senator Cowell:

S.B. 1813, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BURNING COAL THEATRE COMPANY TO RENOVATE AND RESTORE THE HISTORIC MURPHEY SCHOOL AUDITORIUM.

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

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By Senator Dorsett:

S.B. 1814, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR A NEW RESEARCH POSITION.

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

By Senator Presnell:

S.B. 1815, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE YANCEY COUNTY SENIOR CENTER.

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

By Senator Jenkins:

S.B. 1816, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING TO HONOR THE WRIGHT BROTHERS' HISTORIC ACHIEVEMENTS IN AVIATION.

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

By Senator Jenkins:

S.B. 1817, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MARTIN-TYRRELL-WASHINGTON DISTRICT HEALTH DEPARTMENT FOR THE MARTIN COUNTY HEALTH TASK FORCE.

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

By Senator Jenkins:

S.B. 1818, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR A HABITAT STUDY OF RIVERS IN THE ALBEMARLE REGION.

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

By Senator Jenkins:

S.B. 1819, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NORTH CAROLINA TURNPIKE ENCOURAGEMENT AND ASSISTANCE PROGRAM (N.C. TEA), AND TO ASSIST THE NORTH CAROLINA TURNPIKE AUTHORITY AND THE DEPARTMENT OF TRANSPORTATION FIND ADDITIONAL FUNDING AND SPEED NEEDED TRANSPORTATION IMPROVEMENTS.

Referred to the **Transportation Committee**.

By Senators Jenkins; and Dorsett:

S.B. 1820, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA ASSOCIATION OF COMMUNITY DEVELOPMENT CORPORATIONS FOR COMMUNITY-BASED DEVELOPMENT ACTIVITIES.

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

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By Senator Jenkins:

S.B. 1821, A BILL TO BE ENTITLED AN ACT TO TRANSFER FUNDS FROM THE DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR A STORMWATER PILOT PROJECT.

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

By Senator Jenkins:

S.B. 1822, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WASHINGTON COUNTY FOR THE CONSTRUCTION AND OPERATION OF A VISITORS CENTER IN THAT COUNTY.

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

By Senator Jenkins:

S.B. 1823, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER.

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

By Senators Jenkins and Kerr:

S.B. 1824, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENABLE RURAL DEAF SCHOOL-AGED CHILDREN WITH COCHLEAR IMPLANTS TO MAXIMIZE THEIR LANGUAGE AND EDUCATIONAL OPPORTUNITIES.

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

By Senators Jenkins and Kerr:

S.B. 1825, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RENOVATE AND RESTORE THE HISTORIC THEATER IN UPTOWN GREENVILLE.

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

By Senator Jenkins:

S.B. 1826, A BILL TO BE ENTITLED AN ACT TO ENSURE NORTH CAROLINA TURNPIKE AUTHORITY REVENUE RETENTION.

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

By Senator Jenkins:

S.B. 1827, A BILL TO BE ENTITLED AN ACT AUTHORIZING A JOINT LEGISLATIVE STUDY COMMISSION ON DAY CARE AND RELATED PROGRAMS AND APPROPRIATING FUNDS FOR THAT PURPOSE.

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

By Senator Jenkins:

S.B. 1828, A BILL TO BE ENTITLED AN ACT TO ALLOW A FARMER, HIS TENANT, AGENT, OR EMPLOYEE TO TRANSPORT ALL

VEGETABLES, FRUITS, GREENHOUSE AND NURSERY PLANTS AND FLOWERS, AND CHRISTMAS TREES IN ADDITION TO THE ITEMS INCLUDED IN G.S. 20-51(6).

Referred to the **Commerce Committee**.

By Senators Rand, Kinnaird, Clodfelter; Atwater, Berger of Franklin, Boseman, Cowell, Graham, Holloman, Jenkins, Lucas, Malone, Snow and Stevens:

S.B. 1829, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR REIMBURSEMENT TO LOCAL PROVIDERS FOR TREATMENT SERVICES PROVIDED TO OFFENDERS REFERRED TO THE DRUG TREATMENT COURT PROGRAM.

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

By Senators Kinnaird; Atwater, Boseman, Clodfelter, Cowell, Graham, Holloman, Jenkins, Lucas and Malone:

S.B. 1830, A BILL TO BE ENTITLED AN ACT TO AMEND THE FUNDING DOCUMENTATION REQUIREMENT OF COMMUNITY MEDIATION CENTERS.

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

By Senators Kinnaird; Atwater, Boseman, Clodfelter, Cowell, Graham, Holloman, Jenkins, Lucas, Malone, Snow and Stevens:

S.B. 1831, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PRETRIAL SERVICES PROGRAM IN THE DEPARTMENT OF CORRECTION.

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

By Senators Jacumin; Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Brown, Dorsett, Goodall, Hagan, Hartsell, Hoyle, Hunt, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Smith, Soles, Swindell, Tillman, Webster and Weinstein:

S.J.R. 1832, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR MEMORIAL SERVICE.

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

By Senators Jacumin; Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Brown, Cowell, Dorsett, Goodall, Hagan, Hartsell, Hoyle, Hunt, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Smith, Soles, Tillman, Webster and Weinstein:

S.B. 1833, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR MEMORIAL SERVICE.

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

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By Senators Jacumin; Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Cowell, Dalton, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Nesbitt, Pittenger, Presnell, Smith, Tillman, Webster and Weinstein:

S.B. 1834, A BILL TO BE ENTITLED AN ACT TO CREATE AN INCENTIVE AND ENCOURAGE CARPOOLING BY STATE EMPLOYEES USING STATE VEHICLES TO MAKE TRIPS GREATER THAN FIFTY MILES FROM A DUTY STATION OR ASSIGNED WORK LOCATION.

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

By Senators Nesbitt and Apodaca:

S.B. 1835, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEVILLE RELATING TO AN AGREEMENT MAKING A FULL AND FINAL SETTLEMENT OF DISPUTED MATTERS RELATING TO THE AMOUNT OF FRANCHISE TAX DUE THE CITY BY TWO PUBLIC UTILITIES.

Referred to the **Finance Committee**.

By Senator Nesbitt:

S.B. 1836, A BILL TO BE ENTITLED AN ACT TO PROVIDE CITIZENS THE TOOLS TO EDUCATE STUDENTS IN GRADES K-12 ON THE SKILLS THEY WILL NEED TO BE CITIZENS IN AN INCREASINGLY PLURALISTIC DEMOCRACY.

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

By Senators Nesbitt; and Apodaca:

S.B. 1837, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RENOVATE THE OTEEN CENTER IN THE CITY OF ASHEVILLE.

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

By Senators Nesbitt; and Apodaca:

S.B. 1838, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER.

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

By Senator Nesbitt:

S.B. 1839, A BILL TO BE ENTITLED AN ACT TO EXEMPT COMMUNITY COLLEGES FROM THE LAW GOVERNING SMOKING RESTRICTIONS AND TO APPROPRIATE FUNDS TO IMPLEMENT SMOKING RESTRICTIONS.

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

By Senator Dalton:

S.B. 1840, A BILL TO BE ENTITLED AN ACT REPEALING THE E-NC AUTHORITY SUNSET PROVISION AND APPROPRIATING FUNDS TO THE E-NC AUTHORITY FOR HIGH-SPEED INTERNET CONNECTIVITY INCENTIVE GRANTS AND FOR JOB CREATION THROUGH ECONOMIC DEVELOPMENT AND SUPPORT OF E-NC BUSINESS AND TECHNOLOGY TELECENTERS.

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

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By Senator Graham:

S.B. 1841, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CIVIL SERVICE BOARD.

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

By Senator Graham:

S.B. 1842, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE C. W. WILLIAMS COMMUNITY HEALTH CENTER.

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

By Senator Graham:

S.B. 1843, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE URBAN LEAGUE OF CENTRAL CAROLINAS.

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

By Senator Bingham:

S.B. 1844, 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. 1845, A BILL TO BE ENTITLED AN ACT RELATING TO THE 33RD SENATORIAL DISTRICT.

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

By Senators Albertson, Nesbitt; Apodaca, Atwater, Blake, Brown, Clodfelter, Dannelly, East, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Snow, Soles, Stevens, Swindell, Webster and Weinstein:

S.B. 1846, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE MATCHING FUNDS FOR THE CONSTRUCTION OF VETERANS NURSING HOMES IN ASHEVILLE AND KINSTON.

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

By Senators Nesbitt, Hartsell; Allran, Atwater, Boseman, Cowell, Dannelly, Dorsett, Graham, Holloman, Lucas, Malone, Presnell and Snow:

S.B. 1847, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE EARLY CHILDHOOD INITIATIVES (SMART START).

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

By Senator Brown:

S.B. 1848, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN OYSTER SHELL LOADING PIER IN HOLLY RIDGE.

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

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By Senator Tillman:

S.B. 1849, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ARCHDALE-TRINITY FAMILY YMCA FOR A NEW FACILITY.

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

By Senator Tillman:

S.B. 1850, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RESTORE THE CUT IN ASSISTANT PRINCIPAL POSITIONS AND TO MAKE ALL ASSISTANT PRINCIPALS TWELVE-MONTH EMPLOYEES.

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. 1822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO SELL AT PRIVATE SALE THE FORMER LEXINGTON FURNITURE PROPERTIES.

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

H.B. 1843 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LEGISLATIVE ETHICS ACT AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL REFORM.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:10 P.M.

ONE HUNDRED THIRTY-EIGHTH DAY

Senate Chamber
Thursday, May 25, 2006

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 have learned from your example that it is all right to be criticized when we dare to reach out in compassion to those whom the world ignored. We have also learned that it is acceptable to make people angry when we step over

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unjust boundaries that the world has established. Forgive us when we want to settle down into our own comfort zones. You are the God of the whole world. Make us the sort of followers who love the adventure of following you, wherever they may take us. In your holy name we pray, Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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 Chair extends the privileges of the floor to Dr. Barry Ostrow from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Judy Rafson from New Bern, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

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

S.B. 1741, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005, TO ENACT AN EARLY REDUCTION IN THE SALES TAX RATE AND AN EARLY REDUCTION IN THE INCOME TAX RATE APPLICABLE TO MOST SMALL BUSINESSES, TO CAP THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUEL TAX RATE AT ITS CURRENT RATE, TO INCREASE THE MINIMUM WAGE, AND TO PROVIDE FOR THE FINANCING OF CONSTRUCTION OF PSYCHIATRIC HOSPITALS AND OTHER CAPITAL PROJECTS.

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

The bill, as amended on second reading, passes its third reading, by roll-call vote, ayes 34, noes 14, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bland, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein—34.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Blake, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin, Miller, Smith, Tillman and Webster—14.

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

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WITHDRAWAL FROM COMMITTEE

S.B. 1216, A BILL TO BE ENTITLED AN ACT ALLOWING LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, 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 bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

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

S.B. 1199, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, referred to the **Appropriations/Base Budget Committee** on May 10.

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 **State & Local Government 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 **State & Local Government Committee**.

REMARKS BY SENATOR WEBSTER

Senator Webster requests that the following remarks regarding S.B 1741 be made a part of the record.

Senator Webster:

“Our Constitution, my protest. Under Article II Section 18, any member of any House may dissent from and protest against any act or resolve which he may think injurious to the public or to any individual and have reason for his protest entered on the Journal. Our Constitution requires that all bills receive three readings in this Body. Our Rules, and I think misinterpretation thereof, and what we do with the calling of the question on a bill and having the calling of the question carry over from second reading to third reading without any debate or without any discussion in my opinion and the opinion of others I might say, is a violation of the intent and the effect of our Constitution and our requirement that bills receive three readings in this Body and defeats the intent of having a deliberate, having deliberations of important legislation in this Body and I want to officially register my protest for this conduct.”

PLEDGE OF ALLEGIANCE

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

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REMOVAL OF BILL CO-SPONSOR

Senator Smith requests that he be removed as a sponsor of previously introduced legislation:

S.B. 1219, A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL CAPITAL CONSTRUCTION FORMULA IN THE STATE LOTTERY ACT TO PROVIDE FOR DISTRIBUTION OF ALL THE FUNDS BASED ON AVERAGE DAILY MEMBERSHIP.

ADDITIONAL SPONSORS

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

S.B. 1349, A BILL TO BE ENTITLED AN ACT TO CHANGE THE ALLOCATION OF LOTTERY PROCEEDS AND TO REQUIRE THEY BE USED FOR EDUCATION AND TECHNOLOGY.

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

S.B. 901, A BILL TO BE ENTITLED AN ACT CREATING THE EQUINE INDUSTRY STUDY COMMISSION.

Upon motion of Senator Basnight, seconded by all Members of the Senate, the Senate adjourns in honor of all military personnel subject to introduction of bills and reading of messages from the House of Representatives, to meet tomorrow, Friday, May 26, 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 Apodaca:

S.B. 1851, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HENDERSON COUNTY FOR THE DEVELOPMENT OF EDNEYVILLE PARK.

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

By Senator Bingham:

S.B. 1852, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MIDWAY.

Referred to the **Finance Committee**.

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By Senators Goodall; Brock, Forrester and Pittenger:

S.J.R. 1853, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO PROVIDE FUNDS TO CHARTER SCHOOLS.

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

By Senators Goodall; Apodaca, Brock, Hunt, Jacumin, Pittenger, Smith, Stevens and Tillman:

S.B. 1854, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO PROVIDE FUNDS TO CHARTER SCHOOLS.

Referred to the **Finance Committee**.

By Senators Goodall; Apodaca, Brock, Hunt, Jacumin and Smith:

S.B. 1855, A BILL TO BE ENTITLED AN ACT TO IMPOSE AN EXCISE TAX ON CERTAIN LOTTERY WINNINGS AND TO PROVIDE A STIPEND FOR TEACHERS.

Referred to the **Finance Committee**.

By Senators Goodall; Apodaca, Brock, Hunt, Jacumin, Pittenger, Stevens and Tillman:

S.B. 1856, 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 Berger of Franklin; and Holloman:

S.B. 1857, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GRANTING STATE RECOGNITION TO THE HALIWA-SAPONI TRIBE OF NORTH CAROLINA.

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

By Senators Malone; Dannelly, Dorsett, Holloman, Kinnaird and Lucas:

S.B. 1858, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN APPRAISAL, EXPERT TESTIMONY, AND ANALYSES OF THE DIX HOSPITAL CAMPUS PROPERTY, AND TO COMPLETE THE WORK OF THE DIX PROPERTY STUDY COMMISSION AS RECOMMENDED BY THE DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION.

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

By Senators Malone; Cowell, Dannelly, Dorsett, Holloman, Kinnaird, Lucas, Miller and Stevens:

S.B. 1859, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS

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FOR A PUBLIC SAFETY TRAINING CENTER AT WAKE TECHNICAL COMMUNITY COLLEGE.

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

By Senators Malone; Cowell, Dannelly, Dorsett, Holloman, Lucas and Nesbitt:

S.B. 1860, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PROJECT ENLIGHTENMENT IN WAKE COUNTY.

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

By Senators Malone; Atwater, Berger of Franklin, Cowell, Dannelly, Dorsett, Hartsell, Holloman, Kinnaird, Lucas, Nesbitt, Presnell, Purcell, Snow, Stevens and Swindell:

S.B. 1861, A BILL TO BE ENTITLED AN ACT TO PROVIDE MANDATORY COST-OF-LIVING INCREASES TO RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM EQUAL TO THE COST-OF-LIVING PAY INCREASE GIVEN TO STATE EMPLOYEES.

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

By Senators Malone, Stevens; Bingham, Dannelly, Dorsett, Forrester, Garwood, Goodall, Hoyle, Jenkins and Purcell:

S.B. 1862, A BILL TO BE ENTITLED AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS.

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

By Senators Malone, Purcell; Berger of Franklin, Cowell, Dannelly, Dorsett, Holloman and Lucas:

S.B. 1863, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE MEDICAID REIMBURSEMENT RATES FOR DENTAL CARE FOR CHILDREN AND ADULTS.

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

By Senators Miller; Apodaca, Berger of Rockingham, Bingham, Brock, Brown, East, Forrester, Garrou, Garwood, Goodall, Hunt, Jacumin, Kerr, Pittenger, Presnell, Smith, Stevens, Tillman and Webster:

S.B. 1864, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ACCREDITED BOARDING KENNELS FROM ROUTINE ANNUAL INSPECTIONS UNDER THE ANIMAL WELFARE ACT.

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

By Senator Snow:

S.B. 1865, A BILL TO BE ENTITLED AN ACT TO ALLOW RESIDENTS OF OTHER COUNTIES OR STATES WHO ATTENDED CHEROKEE COUNTY SCHOOLS IN THE 2005-2006 YEAR TO CONTINUE ATTENDANCE WITHOUT PAYMENT OF TUITION.

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

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By Senator Snow:

S.B. 1866, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN STATE RETIREES WITH LESS THAN TWENTY YEARS OF RETIREMENT SERVICE CREDIT SHALL QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN ON A PARTIALLY CONTRIBUTORY BASIS.

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

By Senator Snow:

S.B. 1867, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MARKETING ASSOCIATION FOR REHABILITATION CENTERS, INC., (MARC), A NONPROFIT CORPORATION, TO PURCHASE CAPITAL EQUIPMENT AND FOR OTHER PURPOSES.

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

By Senator Snow:

S.B. 1868, 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. 1869, 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. 1870, 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. 1871, 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. 1872, 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. 1873, 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. 1874, 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. 1875, 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. 1876, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT.

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

By Senator Snow:

S.B. 1877, A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES IN THE JACKSON COUNTY AIRPORT AUTHORITY.

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

By Senator Presnell:

S.B. 1878, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO YANCEY COUNTY FOR THE RESTORATION OF THE OLD BURNSVILLE ELEMENTARY SCHOOL FOR EXPANSION OF THE YANCEY COUNTY PUBLIC LIBRARY.

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

By Senator Soles:

S.B. 1879, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF SANDYFIELD FOR A MULTIPURPOSE BUILDING.

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

By Senator Soles:

S.B. 1880, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TOWNCREEK VISION CORPORATION.

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

By Senator Boseman:

S.B. 1881, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RESTORE AND PRESERVE THE BELLAMY MANSION SLAVE QUARTERS.

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

By Senator Boseman:

S.J.R. 1882, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REPEAL THE GOVERNOR'S VISION

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CARE PROGRAM; AND TO REPEAL AN ACT PROHIBITING INSURERS FROM IMPOSING HIGHER CO-PAYMENTS FOR CHIROPRACTIC TREATMENT THAN THAT IMPOSED FOR THE SAME TREATMENT BY FAMILY CARE PHYSICIANS.

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

By Senator Boseman:

S.J.R. 1883, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REPEAL AN ACT PROHIBITING INSURERS FROM IMPOSING HIGHER CO-PAYMENTS FOR CHIROPRACTIC TREATMENT THAN THAT IMPOSED FOR THE SAME TREATMENT BY FAMILY CARE PHYSICIANS.

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

By Senator Boseman:

S.B. 1884, A BILL TO BE ENTITLED AN ACT TO REPEAL AN ACT PROHIBITING INSURERS FROM IMPOSING HIGHER CO-PAYMENTS FOR CHIROPRACTIC TREATMENT THAN THAT IMPOSED FOR THE SAME TREATMENT BY FAMILY CARE PHYSICIANS.

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

By Senators Boseman; and East:

S.B. 1885, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE DEPARTMENT OF COMMERCE FOR SHORT LINE RAILROAD MATCHING GRANTS.

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

By Senator Boseman:

S.B. 1886, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA STATE PORTS AUTHORITY FOR CAPITAL IMPROVEMENTS.

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

By Senator Boseman:

S.B. 1887, A BILL TO BE ENTITLED AN ACT EXEMPTING NEW HANOVER REGIONAL MEDICAL CENTER FROM ALL STATUTORY REQUIREMENTS GOVERNING PUBLIC CONTRACTING.

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

By Senators Hoyle, Bingham, Brock, Dalton, Hartsell and Swindell:

S.B. 1888, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE NORTH CAROLINA TRANSPORTATION MUSEUM.

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

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By Senator Hoyle:

S.B. 1889, A BILL TO BE ENTITLED AN ACT TO CREATE AN INCOME TAX CREDIT FOR HIRING CERTAIN DISADVANTAGED WORKERS.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 1890, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CORNERSTONE CHRISTIAN CENTER, INC., FOR SERVICES TO PERSONS WITH ALCOHOL AND SUBSTANCE ABUSE ISSUES.

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

By Senator Hoyle:

S.B. 1891, 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 Senator Hoyle:

S.B. 1892, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CAPITAL FACILITIES COSTS OF A PURCHASE OF LAND BY THE WILDLIFE RESOURCES COMMISSION.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 1893, A BILL TO BE ENTITLED AN ACT TO EXEMPT MOTOR VEHICLE DEALERS FROM COLLECTING PROPERTY TAX ON NEW OR USED VEHICLES SOLD BY THE DEALER AND REQUIRING THE DEPARTMENT OF REVENUE TO ASSESS THE TAX AND MAKE IT PAYABLE ON THE FIRST DAY OF THE FOURTH MONTH FOLLOWING THE DATE THE NEW REGISTRATION IS APPLIED FOR.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 1894, A BILL TO BE ENTITLED AN ACT TO CREATE A REBATE FOR SALES TAXES PAID BY CERTAIN MODULAR HOMES MANUFACTURERS OR SELLERS.

Referred to the **Finance Committee**.

By Senator Holloman:

S.B. 1895, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RHEMA EDUCATIONAL SERVICES FOR YOUTH IN PERQUIMANS COUNTY.

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

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By Senator Holloman:

S.B. 1896, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BERTIE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENT EMPLOYEES.

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

By Senator Holloman:

S.B. 1897, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE COMPLETION OF THE WELDON-HALIFAX COMMUNITY CENTER.

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

By Senator Holloman:

S.B. 1898, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NORTHAMPTON COUNTY TO SUPPORT THE CONTINUED EXPANSION OF THE COUNTY'S WELLNESS AND CULTURAL CENTER PROJECT.

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

By Senator Holloman:

S.B. 1899, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REPLACE THE ROOF AT THE GATES COUNTY HIGH SCHOOL.

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

By Senator Holloman:

S.B. 1900, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT FAMILIES SUPPORTING FAMILIES.

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

By Senator Holloman:

S.B. 1901, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE R. L. VANN COMMUNITY RESOURCE CENTER.

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

By Senator Holloman:

S.B. 1902, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NEWBOLD-WHITE HOUSE IN PERQUIMANS COUNTY.

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

By Senator Holloman:

S.B. 1903, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HERTFORD COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENT EMPLOYEES.

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

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By Senator Holloman:

S.B. 1904, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STUDY THE FEASIBILITY OF ESTABLISHING A NATIVE AMERICAN THEME PARK IN HALIFAX COUNTY.

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

By Senators Apodaca and Nesbitt:

S.B. 1905, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE.

Referred to the **Finance Committee**.

By Senators Clodfelter; Atwater, Berger of Franklin, Bland, Boseman, Cowell, Dannelly, Holloman, Kinnaird, Malone, Nesbitt, Purcell and Snow:

S.B. 1906, A BILL TO BE ENTITLED AN ACT TO RAISE THE MINIMUM WAGE IN NORTH CAROLINA AND TO PROVIDE FOR AN EARNED INCOME TAX CREDIT.

Referred to the **Finance Committee**.

By Senators Clodfelter; Albertson, Allran, Atwater, Boseman, Cowell, Dalton, Dannelly, Dorsett, Graham, Hartsell, Holloman, Hunt, Kinnaird, Lucas, Malone, Purcell, Snow, Soles, Stevens, Swindell and Weinstein:

S.B. 1907, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE NEEDS REGARDING LAND CONSERVATION, WATER QUALITY PROTECTION, HISTORIC PRESERVATION, AND JOB CREATION.

Referred to the **Finance Committee**.

By Senator Albertson:

S.B. 1908, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO LENOIR COUNTY FOR THE COMMUNITY COUNCIL FOR THE ARTS.

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

By Senators Albertson; and Atwater:

S.B. 1909, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE AGRIBUSINESS AWARENESS AND EDUCATION CAMPAIGN.

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

By Senators Garwood, Dalton; Apodaca, Bingham, Forrester, Hartsell, Stevens and Tillman:

S.B. 1910, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO CONSTRUCT AN ALLIED HEALTH AND NURSING BUILDING AT APPALACHIAN STATE UNIVERSITY.

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

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By Senators Garwood, Dalton; Apodaca, Bingham, Forrester, Hartsell, Stevens and Tillman:

S.B. 1911, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO CONSTRUCT A LIVING LEARNING ACADEMIC BUILDING FOR THE COLLEGE OF EDUCATION AT APPALACHIAN STATE UNIVERSITY.

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

By Senator Rand:

S.B. 1912, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE FAYETTEVILLE PUBLIC WORKS COMMISSION FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

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

By Senator Holloman:

S.B. 1913, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.

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

By Senator Holloman:

S.B. 1914, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND AMENDING THE CHOWAN COUNTY OCCUPANCY TAX.

Referred to the **Finance Committee**.

By Senators Brock; Apodaca, Berger of Rockingham, Brown, East, Forrester, Goodall, Hunt, Jacumin, Presnell, Snow, Tillman and Webster:

S.B. 1915, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PERSON MAY USE FORCE TO DEFEND HIMSELF OR HERSELF AND TO APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF THE COURTS TO ASSIST WITH OPERATING EXPENSES.

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

By Senators Brock; Bingham and Forrester:

S.B. 1916, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO EXPEDITE CONSTRUCTION OF A REPLACEMENT FOR THE YADKIN RIVER BRIDGE.

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

By Senator Jenkins:

S.B. 1917, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FORT BRANCH BATTLEFIELD COMMISSION TO REPAIR AND RENOVATE THE SITE AFTER RECENT STORM DAMAGE.

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

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By Senator Jenkins:

S.B. 1918, 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. 1919, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MARTIN COUNTY HISTORICAL SOCIETY.

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

By Senators Jenkins and Kerr:

S.B. 1920, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR WATER AND WASTEWATER INFRASTRUCTURE TO THE PITT/MARTIN INDUSTRIAL PARK.

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

By Senator Jenkins:

S.B. 1921, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ROBERSONVILLE PUBLIC LIBRARY.

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

By Senator Jenkins:

S.B. 1922, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST WITH STORM DRAINAGE PROBLEMS AT MARTIN COMMUNITY COLLEGE.

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

By Senator Jenkins:

S.B. 1923, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE EASTERN SCIENCE CENTER TO UPFIT THE CHALLENGER CLASSROOM.

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

By Senator Jenkins:

S.B. 1924, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE NORTH CAROLINA TELECENTER TO MARTIN COUNTY.

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

By Senator Tillman:

S.B. 1925, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A LAW ENFORCEMENT OFFICER WHO IS NOTIFIED BY THE SBI OF THE EXISTENCE OF A CLANDESTINE DRUG LABORATORY RECORD THAT NOTICE IN THE OFFICE OF THE REGISTER OF DEEDS.

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

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By Senator Cowell:

S.B. 1926, A BILL TO BE ENTITLED AN ACT TO ALLOW SALVAGE CENTERS OPERATED BY A NONPROFIT ENTITY THAT PROVIDES LOW-INCOME HOUSING TO BE ELIGIBLE FOR THE PROCEEDS OF REVENUE BONDS ISSUED BY A LOCAL OR STATE AUTHORITY.

Referred to the **Finance Committee**.

By Senator Smith:

S.B. 1927, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS BY THE TOWNS OF CLAYTON AND PRINCETON.

Referred to the **Finance Committee**.

By Senator Smith:

S.B. 1928, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CLAYTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

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

By Senator Brown:

S.B. 1929, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO JONES COUNTY TO EXTEND SEWER LINES TO SCHOOLS WITH SEPTIC SYSTEMS IN THE TOWN OF TRENTON.

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

By Senators Swindell; and Atwater:

S.B. 1930, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ADVANCEMENT VIA INDIVIDUAL DETERMINATION (AVID) PROGRAM.

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

By Senators Swindell; and Atwater:

S.B. 1931, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NEW AREA HEALTH EDUCATION CENTER CLASSROOM IN AREA L.

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

By Senator Swindell:

S.B. 1932, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REPLACE THE ROOF OF THE NASH COUNTY ARTS CENTER.

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

By Senator Swindell:

S.B. 1933, A BILL TO BE ENTITLED AN ACT TO ADAPT THE INSTALLATION DATE OF NEWLY ELECTED MEMBERS OF THE NASH-ROCKY MOUNT BOARD OF EDUCATION TO THE RECENTLY ENACTED LATER DATE FOR THE ELECTION CANVASS.

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

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By Senators Dorsett; Atwater, Bland, Cowell, Dalton, Dannelly, Hoyle, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Swindell and Weinstein:

S.B. 1934, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NC LIVE VIRTUAL LIBRARY PROJECT.

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

By Senator Albertson:

S.B. 1935, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A WORKFORCE DEVELOPMENT AND TECHNOLOGY CENTER AT THE JAMES SPRUNT COMMUNITY COLLEGE.

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

By Senators Purcell and Forrester:

S.B. 1936, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF EDUCATION SERVICES, FOR FAMILY SUPPORT SERVICES.

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

By Senators Nesbitt; and Atwater:

S.B. 1937, A BILL TO BE ENTITLED AN ACT TO ADD STEPS TO THE TEACHER SALARY SCHEDULES.

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

By Senator Jenkins:

S.B. 1938, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE BEAR GRASS FIRE DEPARTMENT IN MARTIN COUNTY.

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

By Senator Jenkins:

S.B. 1939, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MARTIN COUNTY BOYS AND GIRLS CLUB.

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

By Senator Jenkins:

S.B. 1940, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE BETHEL PUBLIC LIBRARY.

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

By Senator Jenkins:

S.B. 1941, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPLETE THE RESTORATION OF THE OLD MARTIN COUNTY COURTHOUSE.

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

By Senator Jenkins:

S.B. 1942, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MARTIN COUNTY ARTS COUNCIL FOR THE RENOVATION AND RESTORATION OF THE HISTORIC FLAT IRON BUILDING.

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

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By Senator Jenkins:

S.B. 1943, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND INTERNET-ENABLED TECHNOLOGY TO RURAL COMMUNITIES IN NORTHEASTERN NORTH CAROLINA.

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

By Senator Jenkins:

S.B. 1944, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE EDGECOMBE COUNTY BUSINESS/INDUSTRIAL INCUBATOR FOR CAPITAL AND OPERATING EXPENSES.

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

By Senator Jenkins:

S.B. 1945, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MARTIN COUNTY TO SUPPORT VARIOUS YOUTH PROGRAMS.

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

By Senators Kinnaird; Berger of Franklin and Cowell:

S.J.R. 1946, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR SIMPLE ASSAULT OR BATTERY ON A HANDICAPPED PERSON.

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

By Senators Kinnaird; Berger of Franklin and Cowell:

S.B. 1947, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR SIMPLE ASSAULT OR BATTERY ON A HANDICAPPED PERSON.

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

By Senator Kinnaird:

S.B. 1948, A BILL TO BE ENTITLED AN ACT TO REVISE THE LOBBYING LAWS TO BAN CERTAIN GIFTS; ESTABLISH QUARTERLY REPORTING WITH ADDITIONAL INTERIM REPORTING; EXPAND THE COVERAGE OF LOBBYING LAWS TO INCLUDE EXECUTIVE BRANCH LOBBYING; LIMITING CAMPAIGN CONTRIBUTIONS BY REGISTERED LOBBYISTS, AND MAKE OTHER CONFORMING CHANGES.

Referred to the **Judiciary I Committee**.

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

S.B. 1949, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE LAND LOSS PREVENTION PROJECT.

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

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

S.B. 1950, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO PROMOTE HISTORICALLY

UNDERUTILIZED BUSINESSES AND SUPPLIER DIVERSITY WHEN PROMOTING AND MARKETING THE STATE OF NORTH CAROLINA.

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

By Senators Dannelly; Atwater, Dorsett, Holloman, Lucas and Malone:

S.B. 1951, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR THE NORTH CAROLINA COMMUNITY DEVELOPMENT INITIATIVE.

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

By Senators Cowell; Hunt, Malone and Stevens:

S.B. 1952, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RALEIGH SENIOR CENTER.

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

By Senators Cowell; Malone and Stevens:

S.B. 1953, 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**.

By Senators Cowell; Malone and Stevens:

S.B. 1954, 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 Senator Hoyle:

S.B. 1955, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A SALES AND USE TAX INCENTIVE FOR THE MOTORSPORTS INDUSTRY AS RECOMMENDED BY THE GOVERNOR'S MOTORSPORTS ADVISORY COUNCIL.

Referred to the **Finance Committee**.

By Senators Purcell; Atwater and Rand:

S.B. 1956, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO DETERMINE THE IMPACT OF THE FEDERAL DEFICIT REDUCTION ACT OF 2005 ON THE PAYMENT FOR GENERIC DRUGS.

Referred to the **Health Care Committee**.

By Senator Soles:

S.B. 1957, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF SURF CITY FOR BEACH RENOURISHMENT.

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

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 1938, A BILL TO BE ENTITLED AN ACT TO TREAT COMMERCIAL LOGGING MACHINERY THE SAME AS FARM MACHINERY UNDER THE SALES TAX.

Referred to the **Finance Committee**.

H.B. 2048, A BILL TO BE ENTITLED AN ACT TO EXPAND THE ROYALTY INCOME REPORTING OPTION TO INCLUDE ADDITIONAL TYPES OF INTANGIBLE PROPERTY.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:25 P.M.

ONE HUNDRED THIRTY-NINTH DAY

Senate Chamber
Friday, May 26, 2006

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 Vernon Malone, who presides in the absence of the Lieutenant Governor.

Prayer is offered by E. Wayne White, Staff Member in the Senate Principal Clerk's office, as follows:

"Almighty God, we commend to your gracious care and keeping all the men and women of our armed forces at home and abroad. Defend them day by day with your heavenly grace. Strengthen them in their trials and temptation. Give them courage to face the perils which beset them and grant them a sense of your abiding presence wherever they may be. Through Jesus Christ our Lord, Amen."

From the *"Episcopal Book of Common Prayer"*.

Senator Stevens announces that the Journal of yesterday, Thursday, 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.

Upon motion of Senator Cowell, seconded by Senator Hunt, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet Tuesday, May 30, at 2:00 P.M.

May 26, 2006

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 Snow:

S.B. 1958, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A NEW VOCATIONAL BUILDING FOR THE BLUE RIDGE COMMUNITY COLLEGE-TRANSYLVANIA CENTER.

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

By Senator Forrester:

S.B. 1959, A BILL TO BE ENTITLED AN ACT TO STUDY ALLOWING SCHOOL, PRISON, AND OTHER BUSES TO BE USED TO TRANSPORT MEXICAN NATIONALS NOT LAWFULLY PRESENT IN THE UNITED STATES BACK TO MEXICO.

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

By Senators Malone; Dorsett and Holloman:

S.B. 1960, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY ACTION AGENCIES.

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

By Senator Malone:

S.B. 1961, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF ASSIGNMENTS TO THE SPECIAL ASSISTANCE IN-HOME PROGRAM OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

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

By Senator Malone:

S.B. 1962, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REIMBURSE HOME HEALTH PROVIDERS FOR TELEMONITORING OF PATIENTS IN THEIR HOMES.

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

By Senator Malone:

S.B. 1963, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR SERVICES TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

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

By Senators Dalton, Hoyle and Jacumin:

S.B. 1964, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INTERNET DATA CENTER FACILITIES FROM SALES AND USE TAXES.

Referred to the **Finance Committee**.

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By Senator Kerr:

S.B. 1965, A BILL TO BE ENTITLED AN ACT TO ENACT THE "HEALTHY NC" PROGRAM TO FACILITATE THE AVAILABILITY OF AFFORDABLE ACCIDENT AND HEALTH INSURANCE COVERAGE TO SMALL EMPLOYERS, SELF-EMPLOYED INDIVIDUALS, AND UNINSURED WORKERS; AND TO APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF THIS ACT.

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

By Senator Kerr:

S.B. 1966, A BILL TO BE ENTITLED AN ACT TO TREAT TANGIBLE PERSONAL PROPERTY USED IN MODULAR HOMES THE SAME AS TANGIBLE PERSONAL PROPERTY USED IN OTHER HOMES.

Referred to the **Finance Committee**.

By Senator Nesbitt:

S.B. 1967, A BILL TO BE ENTITLED AN ACT RELATING TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND APPROPRIATING FUNDS TO THE EMPLOYMENT SECURITY COMMISSION.

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

By Senator Nesbitt:

S.B. 1968, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR COMMUNITY-BASED PLANNING IN THE AREA SERVED BY THE WESTERN HIGHLANDS LOCAL MANAGEMENT ENTITY.

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

By Senators Nesbitt; and Apodaca:

S.B. 1969, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF A NEW FACILITY AT THE HEALTH ADVENTURE IN THE CITY OF ASHEVILLE.

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

By Senators Kinnaird; Clodfelter, Cowell, Graham, Holloman and Snow:

S.B. 1970, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FOR THE LOCAL JUVENILE CRIME PREVENTION COUNCILS THROUGHOUT THE STATE.

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

By Senators Kinnaird; Clodfelter and Cowell:

S.B. 1971, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A COST-SHARE PROGRAM TO ASSIST GROWERS IN FUNDING ANIMAL WASTE MANAGEMENT SYSTEMS AT SWINE FARMS THAT

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MEET CERTAIN STANDARDS AND THAT REPLACE SYSTEMS EMPLOYING ANAEROBIC LAGOONS AND TO APPROPRIATE FUNDS FOR THIS PROGRAM.

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

By Senator Malone:

S.B. 1972, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO REBASE THE MEDICAID REIMBURSEMENT RATES AND PROVIDE INFLATIONARY INCREASES.

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

By Senators Malone; Cowell and Stevens:

S.B. 1973, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT EXPLORIS MUSEUM IN THE CITY OF RALEIGH.

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

By Senators Malone, Purcell; Dannelly and Dorsett:

S.B. 1974, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NC SOCIAL SERVICES CONSORTIUM FOR QUALITY IMPROVEMENT INITIATIVES.

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

By Senators Malone; Dannelly, Dorsett and Lucas:

S.B. 1975, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HEALING WITH CAARE, INC., FOR OPERATING EXPENSES.

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

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

S.B. 1976, A BILL TO BE ENTITLED AN ACT TO REFORM AND IMPROVE GOVERNMENTAL ETHICS IN THE EXECUTIVE AND LEGISLATIVE BRANCHES BY PROVIDING FOR EXECUTIVE BRANCH ETHICS, REFORMING LEGISLATIVE ETHICS, STRENGTHENING LOBBYING LAWS, LIMITING TO \$10,000 CONTRIBUTIONS BY POLITICAL COMMITTEES TO STATE PARTY EXECUTIVE COMMITTEES, PROVIDING FOR REAL-TIME ACCESS TO CAMPAIGN REPORTS, MANDATING ETHICS EDUCATION FOR THE EXECUTIVE AND LEGISLATIVE BRANCHES AND LOBBYISTS, REVISING THE ELECTION LAWS; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT.

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

By Senators Berger of Rockingham; Allran, Brock, Goodall, Jacumin, Stevens and Tillman:

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S.J.R. 1977, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REQUIRE LAW ENFORCEMENT OFFICERS TO NOTIFY THE IMMIGRATION AND NATURALIZATION SERVICE BY LETTER, AFTER AN ARREST AND BASED ON REASONABLE SUSPICION, THAT THE DEFENDANT IS SUSPECTED OF BEING AN UNDOCUMENTED ALIEN.

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

By Senators Berger of Rockingham; Allran, Brock, Brown, Goodall, Smith, Stevens and Tillman:

S.B. 1978, A BILL TO BE ENTITLED AN ACT TO SUNSET AT THE END OF 2006 THE SURCHARGE THAT ATTORNEYS MUST PAY TO HELP FINANCE THE NORTH CAROLINA PUBLIC CAMPAIGN FUND.

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

By Senators Berger of Rockingham; Allran, Brock, Goodall, Jacumin, Stevens and Tillman:

S.B. 1979, A BILL TO BE ENTITLED AN ACT TO REQUIRE LAW ENFORCEMENT OFFICERS TO NOTIFY THE IMMIGRATION AND NATURALIZATION SERVICE BY LETTER, AFTER AN ARREST AND BASED ON REASONABLE SUSPICION, THAT THE DEFENDANT IS SUSPECTED OF BEING AN UNDOCUMENTED ALIEN.

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

By Senators Berger of Rockingham; Allran, Brown, Goodall, Jacumin, Smith, Stevens and Tillman:

S.B. 1980, A BILL TO BE ENTITLED AN ACT TO PROVIDE A ONE-TIME TAX REBATE TO EACH INDIVIDUAL TAXPAYER WHO RESIDES IN THIS STATE.

Referred to the **Finance Committee**.

By Senators Berger of Rockingham; Allran, Brock, Brown, Jacumin, Smith, Stevens and Tillman:

S.B. 1981, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE 2005-2006 SURPLUS TO REIMBURSE COUNTIES AND CITIES FOR FUNDS TAKEN BY THE STATE DURING THE 2001-2002 FISCAL YEAR.

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

By Senators Berger of Rockingham; Allran, Brock, Brown, Goodall, Jacumin, Stevens and Tillman:

S.B. 1982, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND LOCAL

DEPARTMENTS OF SOCIAL SERVICES TO PUBLISH APPLICATIONS FOR PUBLIC ASSISTANCE IN THE ENGLISH LANGUAGE ONLY, AND TO APPROPRIATE FUNDS TO REPLACE PUBLICATIONS CURRENTLY PRINTED IN LANGUAGES OTHER THAN ENGLISH.

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

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

S.B. 1983, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT VOTERS PRESENT A PHOTO IDENTIFICATION DOCUMENT BEFORE VOTING; AND TO RESTRICT VOTER REGISTRATION FORMS TO THE ENGLISH LANGUAGE EXCEPT AS REQUIRED BY FEDERAL LAW; AND TO APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF THE ACT.

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

By Senators East; Allran, Berger of Rockingham, Bingham, Brock, Forrester, Hartsell, Hoyle, Hunt, Smith, Tillman and Webster:

S.B. 1984, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO NOTIFY AN OWNER OR OPERATOR THAT UNDERTAKES THE CLEANUP OF A DISCHARGE OR RELEASE OF PETROLEUM FROM AN UNDERGROUND STORAGE TANK OF THE ADEQUACY OF THE CLEANUP WITHIN THREE YEARS OF THE DISCHARGE OR RELEASE, TO PROHIBIT THE DEPARTMENT FROM REQUIRING THE OWNER OR OPERATOR TO TAKE FURTHER ACTION IF THE DEPARTMENT FAILS TO GIVE THE OWNER OR OPERATOR THIS NOTICE, TO REMOVE A CURRENT LIMITATION REGARDING REIMBURSEMENTS TO OWNERS OR OPERATORS FOR CLEANUP COSTS THAT MAY BE PAID FROM THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK FUND, TO MODIFY THE LIMITATION THAT CURRENTLY PROVIDES THAT OWNERS OR OPERATORS CANNOT BE REIMBURSED FOR FAILURE TO HAVE PAID AN ANNUAL TANK OPERATING FEE, AND TO APPROPRIATE FUNDS FOR THE DEPARTMENT'S PROGRAM COSTS.

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

By Senator East:

S.B. 1985, A BILL TO BE ENTITLED AN ACT RELATING TO THE "JUST CAUSE" TERMINATION OF DEPUTY SHERIFFS, AFFORDING ADMINISTRATIVE AND JUDICIAL REVIEW OF DISCIPLINARY ACTIONS, AND APPROPRIATING FUNDS TO THE OFFICE OF ADMINISTRATIVE HEARINGS.

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

By Senator Snow:

S.B. 1986, A BILL TO BE ENTITLED AN ACT FOR THE PROMOTION AND DEVELOPMENT OF AND ATTRACTION TO WESTERN NORTH

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CAROLINA OF NEW BUSINESSES THROUGH CLUSTERS OF INNOVATION PURSUANT TO THE REGION'S FIVE-YEAR VISION PLAN.

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

By Senators Purcell; Dannelly, Dorsett, Garrou, Hagan and Malone:

S.B. 1987, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADOLESCENT PREGNANCY PREVENTION.

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

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

S.B. 1988, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CHRONIC KIDNEY DISEASE TASK FORCE, AND TO APPROPRIATE FUNDS THEREFOR.

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

By Senator Swindell:

S.B. 1989, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WILSON COUNTY RESIDENTIAL SERVICES.

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

By Senators Soles and Rand:

S.B. 1990, A BILL TO BE ENTITLED AN ACT TO DIVIDE SUPERIOR COURT DISTRICT 13.

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

By Senators Soles; and Rand:

S.B. 1991, A BILL TO BE ENTITLED AN ACT TO PROVIDE BALANCE AMONG THE COUNTIES IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 13.

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

By Senator Jenkins:

S.B. 1992, 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. 1993, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FRIENDS OF AGRICULTURE TO CREATE NEW PATHWAYS OF COMMUNITY INVOLVEMENT WITH AGRIBUSINESS AND THE FUTURE FARMERS OF AMERICA IN NORTH CAROLINA.

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

By Senator Jenkins:

S.B. 1994, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE EASTERN NORTH CAROLINA FILM COMMISSION.

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

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By Senator Jenkins:

S.B. 1995, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FARMVILLE COMMUNITY ARTS COUNCIL.

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

By Senator Jenkins:

S.B. 1996, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A CITIZENS DEVELOPMENT CENTER IN EDGEcombe COUNTY.

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

By Senator Jenkins:

S.B. 1997, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO UPDATE COMPUTER TECHNOLOGY AND PUBLIC SAFETY SOFTWARE FOR THE EDGEcombe COUNTY SHERIFF'S DEPARTMENT.

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

By Senator Dalton:

S.B. 1998, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTION FORMULA FOR PUBLIC SCHOOL CAPITAL FUNDS.

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

By Senators Berger of Rockingham; Allran, Brock, Goodall, Jacumin, Smith, Stevens and Tillman:

S.B. 1999, A BILL TO BE ENTITLED AN ACT TO ADJUST THE INDIVIDUAL INCOME TAX BRACKETS.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 2000, A BILL TO BE ENTITLED AN ACT REQUIRING A CERTIFICATE OF MERIT ON CIVIL ACTIONS FILED AGAINST A PERSON OR FIRM PROVIDING ARCHITECTURE OR ENGINEERING SERVICES IN THIS STATE.

Referred to the **Judiciary II Committee**.

By Senator Tillman:

S.B. 2001, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A TEACHER HOUSING PILOT PROGRAM.

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

By Senator Hunt:

S.B. 2002, A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR STUDENTS TO BE ADMITTED TO THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Finance Committee**.

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By Senator Presnell:

S.B. 2003, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE AVERY COUNTY SCHOOLS FOR AIR-CONDITIONING IN THE MIDDLE SCHOOLS.

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

By Senator Presnell:

S.B. 2004, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE CONSTRUCTION OF THE NEW MADISON COUNTY JAIL.

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

By Senator Albertson:

S.B. 2005, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EQUIPMENT NEEDED FOR THE NEW COOPERATIVE EXTENSION SERVICE OFFICE BUILDING LOCATED IN SAMPSON COUNTY.

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

By Senator Hoyle:

S.B. 2006, A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT FOR CERTAIN TAXPAYERS, AND TO EXTEND CERTAIN SALES AND USE TAX REFUNDS.

Referred to the **Finance Committee**.

By Senator Atwater:

S.B. 2007, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FEASIBILITY OF THE STATE PROVIDING FAMILY LEAVE FOR EMPLOYEES AND STATE POLICIES RELATING TO THE VOLUNTARY SICK LEAVE BANK FOR PUBLIC SCHOOL EMPLOYEES.

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

By Senator Atwater:

S.B. 2008, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CHATHAM COUNTY FOR THE SILK HOPE COMMUNITY CENTER.

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

By Senators Malone; and Stevens:

S.B. 2009, A BILL TO BE ENTITLED AN ACT TO ALLOW CAPITAL LEASE FINANCING FOR PUBLIC SCHOOLS.

Referred to the **Finance Committee**.

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By Senator Hagan:

S.B. 2010, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE OF AN AIRCRAFT.

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

By Senator Hoyle:

S.B. 2011, A BILL TO BE ENTITLED AN ACT TO ALLOW UTILITIES THE SAME TREATMENT AS INTERSTATE CARRIERS WITH RESPECT TO THE SALES AND USE TAXES IMPOSED ON RAILWAY CARS.

Referred to the **Finance Committee**.

By Senator Bingham:

S.B. 2012, A BILL TO BE ENTITLED AN ACT TO RELIEVE A SUCCESSOR EMPLOYER OF THE HIGHER UNEMPLOYMENT CONTRIBUTION RATE OF ITS PREDECESSOR WHEN THERE IS NO COMMON OWNERSHIP OF THE TWO EMPLOYERS.

Referred to the **Finance Committee**.

By Senators Goodall; Berger of Rockingham, Cowell and Hunt:

S.B. 2013, A BILL TO BE ENTITLED AN ACT TO STUDY THE FEASIBILITY OF TELEVISIONING ALL LEGISLATIVE SESSIONS AND SELECTED COMMITTEE MEETINGS.

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

By Senator Brown:

S.B. 2014, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO TEST THE UNDERCURRENT STABILIZATION SYSTEM AT NORTH TOPSAIL BEACH TO DETERMINE IF IT IS EFFECTIVE TO STABILIZE COASTAL PROPERTY IN IMMINENT THREAT OF EXPERIENCING SIGNIFICANT LOSS DUE TO EROSION UNDER ORDINARY CONDITIONS OR DUE TO A NATURAL DISASTER AND TO DIRECT THE COASTAL RESOURCES COMMISSION TO ISSUE A PERMIT FOR THE CONSTRUCTION AND INSTALLATION OF THIS TECHNOLOGY FOR THE DURATION OF THIS STUDY.

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

By Senator Berger of Rockingham:

S.B. 2015, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A SALIVA SAMPLE BE TAKEN FOR DNA ANALYSIS FROM ANYONE ARRESTED FOR THE COMMISSION OR ATTEMPTED COMMISSION OF A FELONY OFFENSE.

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

May 26, 2006

By Senator Kerr:

S.B. 2016, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE BRODY SCHOOL OF MEDICINE AT EAST CAROLINA UNIVERSITY TO ASSIST WITH THE COSTS INVOLVED IN THE EARLY DETECTION OF LUNG CANCER USING FLUORESCENCE IMAGING.

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

By Senator Snow:

S.B. 2017, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FIRE PREVENTION AND SAFETY NEEDS AT THE JOHN C. CAMPBELL FOLK SCHOOL.

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

By Senator Weinstein:

S.B. 2018, A BILL TO BE ENTITLED AN ACT RELATING TO REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS.

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

By Senator Presnell:

S.B. 2019, A BILL TO BE ENTITLED AN ACT AMENDING THE CONSTITUTION TO LIMIT THE TERMS OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE TO TWO CONSECUTIVE GENERAL ASSEMBLIES AND TO LIMIT CONSIDERATION BY CONFERENCE COMMITTEES OF SPECIFIC MATTERS IN CONTROVERSY.

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

By Senator Webster:

S.B. 2020, 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 Webster; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brown, East, Forrester, Garwood, Goodall, Hartsell, Hunt, Jacumin, Kinnaird, Miller, Presnell, Smith and Tillman:

S.B. 2021, A BILL TO BE ENTITLED AN ACT TO CONFORM THE STATE INCOME TAX PERSONAL EXEMPTION AND STANDARD DEDUCTION AMOUNTS TO THE FEDERAL AMOUNTS.

Referred to the **Finance Committee**.

By Senator Kinnaird:

S.B. 2022, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NEW TECHNOLOGY EDUCATION BUILDING ON THE CAMPUS OF PIEDMONT COMMUNITY COLLEGE.

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

May 26, 2006

By Senator Cowell:

S.B. 2023, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO CONTINUE THE WORK OF THE SALES AND SERVICES TRAINING CENTER IN ASSISTING THE UNEMPLOYED AND UNDEREMPLOYED.

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

By Senator Swindell:

S.B. 2024, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PREPARATION OF AN INTERSTATE 95 DEVELOPMENT PLAN TO ANALYZE CONDITIONS SURROUNDING THE INTERCHANGES IN NASH COUNTY AND PREPARATION OF A DEVELOPMENT STRATEGY FOR EACH INTERCHANGE.

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

By Senators Snow; and Presnell:

S.B. 2025, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PROJECTS AT HAYWOOD COMMUNITY COLLEGE.

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

By Senator Snow:

S.B. 2026, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO STREAMLINE THE PROCESS FOR THE ISSUANCE OF AN IMPROVEMENT PERMIT OR AN AUTHORIZATION TO CONSTRUCT FOR AN ON-SITE SUBSURFACE WASTEWATER SYSTEM IN CERTAIN COUNTIES BY AUTHORIZING LOCAL HEALTH DEPARTMENTS, AUTHORIZED AGENTS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND LICENSED SOIL SCIENTISTS TO COMPLETE SOIL AND SITE EVALUATIONS IN THE PARTICIPATING COUNTIES.

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

By Senator Jenkins:

S.B. 2027, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR VARIOUS YOUTH PROJECTS IN EDGEcombe COUNTY.

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

By Senator Jenkins:

S.B. 2028, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE EDGEcombe COUNTY VETERANS' MILITARY MUSEUM.

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

By Senator Jenkins:

S.B. 2029, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOYS' AND GIRLS' CLUB OF NASH/EDGEcombe COUNTIES.

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

May 26, 2006

By Senator Rand:

S.B. 2030, A BILL TO BE ENTITLED AN ACT TO UPDATE THE CONSUMER FINANCE ACT BY INCREASING FEES PAID BY CONSUMER FINANCE LICENSEES AND TO CLARIFY THE PROHIBITION AGAINST EVASIONS OF THE CONSUMER FINANCE ACT.

Referred to the **Finance Committee**.

By Senators Rand; Hartsell, Hoyle, Kerr and Stevens:

S.B. 2031, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF LIMITED OBLIGATION BONDS OF THE STATE TO PROVIDE FUNDS FOR GRANTS TO COUNTIES FOR PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS AND TO DEDICATE THE SCHOOL CONSTRUCTION PROCEEDS OF THE STATE LOTTERY TO RETIRE AND REPAY THESE BONDS.

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

By Senator Rand:

S.B. 2032, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STATE PROPERTY OFFICE TO COMPLETE THE BLOUNT STREET PROJECT.

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

By Senator Rand:

S.B. 2033, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CIVIL ACTIONS BY PRIVATE PERSONS FOR VIOLATIONS OF THE PROVIDER FALSE CLAIMS ACT; AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO IMPLEMENT THIS ACT.

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

By Senator Rand:

S.B. 2034, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE FIRST IN FLIGHT REGISTRATION PLATES TO THE DEPARTMENT OF DEFENSE.

Referred to the **Finance Committee**.

By Senator Rand:

S.B. 2035, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF BEER AND WINE AT GOLF COURSES OWNED OR LEASED BY CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA SYSTEM.

Referred to the **Finance Committee**.

By Senator Rand:

S.B. 2036, A BILL TO BE ENTITLED AN ACT INCREASING THE MEMBERS OF THE STATE BOARD OF EXAMINERS OF ELECTRICAL

CONTRACTORS FROM SEVEN TO NINE; AUTHORIZING THE ELECTRICAL BOARD TO ESTABLISH LICENSURE REQUIREMENTS, SET FEES, AND ADOPT RULES FOR PERSONS PERFORMING WORK AS ELEVATOR MECHANICS AND ELEVATOR CONTRACTORS UNDER THE LAWS REGULATING ELECTRICAL CONTRACTORS; AMENDING THE ELEVATOR SAFETY ACT OF NORTH CAROLINA TO CREATE THE ELEVATOR SAFETY BOARD; PROVIDING FOR THE INSPECTION OF PRIVATE RESIDENCE CONVEYANCES; AND APPROPRIATING FUNDS FOR THESE PURPOSES.

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

By Senator Rand:

S.B. 2037, A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES IN LOW-WEALTH COUNTIES TO CONTINUE TO CARRY FORWARD CERTAIN FUNDS.

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

By Senator Rand:

S.B. 2038, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A DEFENSE AND SECURITY TECHNOLOGY ACCELERATOR.

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

By Senator Rand:

S.B. 2039, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TEACCH PROGRAM AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

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

By Senator Rand:

S.B. 2040, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR MEDICAL ASSISTANCE PROVIDER FRAUD; AND TO AUTHORIZE INVESTIGATIVE DEMAND PROCEDURES IN CASES OF MEDICAL ASSISTANCE PROVIDER FRAUD.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 2041, A BILL TO BE ENTITLED AN ACT TO CREATE THE POSITION OF NORTH CAROLINA DIRECTOR OF MOTORSPORTS DEVELOPMENT WITHIN THE DEPARTMENT OF COMMERCE AS RECOMMENDED BY THE GOVERNOR'S MOTORSPORTS ADVISORY COUNCIL.

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

By Senator Rand:

S.B. 2042, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGE SYSTEM FOR A MOTORSPORTS

TRAINING CENTER AS RECOMMENDED BY THE GOVERNOR'S MOTORSPORTS ADVISORY COUNCIL.

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

By Senator Rand:

S.B. 2043, A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY RAISING THE REGISTRATION FEES FOR MORTGAGE LICENSING.

Referred to the **Finance Committee**.

By Senator Purcell:

S.B. 2044, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO DETERMINE THE IMPACT OF THE FEDERAL DEFICIT REDUCTION ACT OF 2005 ON THE PAYMENT FOR GENERIC DRUGS.

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

By Senator Brock:

S.B. 2045, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO TRANSFER FUNDS TO THE CITY OF KANNAPOLIS FOR ENHANCEMENT OF TRANSPORTATION PROJECTS FOR ECONOMIC DEVELOPMENT AND ACCESS IMPROVEMENTS.

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

By Senator Snow:

S.B. 2046, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR RENOVATION PROJECTS AND A NEW EDUCATION FACILITY AT THE TRI-COUNTY COMMUNITY COLLEGE, GRAHAM COUNTY CENTER.

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

By Senator Snow:

S.B. 2047, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE AND INCREASE FUNDING FOR JUSTICE AND LAW ENFORCEMENT, TO FULLY FUND THE NORTH CAROLINA SEX OFFENDER WATCH INITIATIVE, TO FUND THE STATEWIDE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (SAFIS) REPLACEMENT, TO FUND LAW ENFORCEMENT EFFORTS TO PROTECT CHILDREN AND ADULTS FROM SEXUAL PREDATORS, TO SPEED THE PROCESSING AND ANALYSIS OF DNA, DRUG EVIDENCE, AND COMPUTER FORENSIC EVIDENCE, TO PROVIDE NEW FUNDING TO IMPROVE INTERDICTION EFFORTS TO COMBAT THE INCREASE IN METHAMPHETAMINE TRAFFICKING, AND MORE EFFECTIVELY COMBAT FINANCIAL CRIMES, IDENTITY THEFT AND PUBLIC CORRUPTION, TO APPROPRIATE FUNDS TO PAY SBI

PERSONNEL A MORE COMPETITIVE WAGE SO AS TO RECRUIT AND RETAIN EXPERIENCED LAW ENFORCEMENT PROFESSIONALS, TO PROVIDE FUNDS TO EXPAND TRAINING FOR ALL LAW ENFORCEMENT AND TO FUND FIVE NEW ATTORNEYS TO ADDRESS THE GROWING WORKLOADS IN FOUR CRITICAL AREAS.

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

By Senator Dalton:

S.B. 2048, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF PARKS AND RECREATION, TO CONSERVE LAND IN RUTHERFORD AND HYDE COUNTIES AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO CONSERVE LAND IN HYDE COUNTY.

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

By Senator Nesbitt:

S.J.R. 2049, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENT EMPLOYEES TO STAND IN, ON, OR NEAR A PUBLIC STREET OR HIGHWAY OWNED, LEASED, OR CONTROLLED BY THE STATE TO SOLICIT CHARITABLE CONTRIBUTIONS SO LONG AS THE PERSON SOLICITING IS AN EMPLOYEE OR AGENT OF THE LOCAL GOVERNMENT AND MEETS CERTAIN RESTRICTIONS AND GUIDELINES.

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

By Senator Nesbitt:

S.B. 2050, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENT EMPLOYEES TO STAND IN, ON, OR NEAR A PUBLIC STREET OR HIGHWAY OWNED, LEASED, OR CONTROLLED BY THE STATE TO SOLICIT CHARITABLE CONTRIBUTIONS SO LONG AS THE PERSON SOLICITING IS AN EMPLOYEE OR AGENT OF THE LOCAL GOVERNMENT AND MEETS CERTAIN RESTRICTIONS AND GUIDELINES.

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

By Senators Albertson, Jenkins, Cowell and Kinnaird:

S.B. 2051, A BILL TO BE ENTITLED AN ACT TO INCREASE ENERGY INDEPENDENCE IN NORTH CAROLINA BY PROMOTING THE CONSERVATION OF ENERGY AND WATER IN PUBLIC FACILITIES, BY PROMOTING THE USE OF ALTERNATIVE FUELS AND ADVANCED TECHNOLOGY VEHICLES IN STATE FLEETS, BY CREATING VARIOUS ENERGY-RELATED TAX INCENTIVES, AND TO APPROPRIATE FUNDS.

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**.

May 26, 2006

By Senator Berger of Franklin:

S.B. 2052, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PURCHASE OF LAND IN THE CITY OF HENDERSON FOR HOME-OWNERSHIP DEVELOPMENT.

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

By Senator Nesbitt:

S.B. 2053, A BILL TO BE ENTITLED AN ACT TO MAKE MODIFY THE SCOPE OF CERTAIN PROJECTS FUNDED BY BONDS ISSUED FOR CAPITAL IMPROVEMENTS FOR THE UNIVERSITY OF NORTH CAROLINA AND TO REVISE THE ALLOCATION OF PROCEEDS OF SPECIAL INDEBTEDNESS WITH RESPECT TO CERTAIN UNIVERSITY PROJECTS.

Referred to the **Finance Committee**.

By Senator Brock:

S.B. 2054, A BILL TO BE ENTITLED AN ACT TO USE THE STATE GOVERNMENT SURPLUS FOR AN ADDITION TO THE RAINY DAY FUND, TO REPAY THE HIGHWAY TRUST FUND, THE STATE RETIREMENT SYSTEM, AND LOCAL GOVERNMENT FOR FUNDS WITHHELD FROM THEM DURING THE RECESSION, AND TO USE THE REMAINDER FOR A REBATE TO INDIVIDUAL TAXPAYERS OF TWO HUNDRED EIGHTY-EIGHT DOLLARS PER HOUSEHOLD.

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

By Senator Bingham:

S.B. 2055, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN FARM VEHICLES AND IMPLEMENTS FROM REGISTRATION REQUIREMENTS.

Referred to the **Transportation Committee**.

By Senator Atwater (By Request):

S.B. 2056, A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO ADOPT RULES CONCERNING PERMITTING INSPECTION AND TESTING OF PRIVATE WATER SUPPLY WELLS AND WELLS SERVING TRANSIENT WATER SYSTEMS AND TO APPROPRIATE FUNDS FOR LOCAL WELL INSPECTION AND TESTING PROGRAMS.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-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:

May 26, 2006

H.J.R. 2311, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF KANNAPOLIS ON THE OCCASION OF THE CITY'S CENTENNIAL ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Cowell's motion to adjourn having prevailed, the Senate adjourns at 9:42 A.M.

ONE HUNDRED FORTIETH DAY

Senate Chamber
Tuesday, May 30, 2006

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, yesterday our Nation celebrated her military heroes on Memorial Day. Today in the Senate, we offer our own remembrances. Some heroes are the subject of history books. Most, however, died or live in obscurity, heroes only to a spouse, a family or friends. May the memories of these brave men and women never dim until Isaiah's prophecy comes true: 'They will hammer their swords into plowshares and their spears into pruning hooks. Nations will never again go to war, never prepare for battle again.' Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, May 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends the privileges of the floor to Dr. H. David Hardman from Durham, 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.

WITHDRAWAL FROM COMMITTEE

H.B. 1819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT ANNEXATION OF ANY PART OF THE TERRITORY OF THE LYONS STATION SANITARY DISTRICT, referred to the **Finance Committee** on May 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

May 30, 2006

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and re-refers the bill to the **State & Local Government Committee**.

S.B. 1694, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES, AND TO MAKE CONFORMING CHANGES, referred to the **Judiciary II Committee** on May 18.

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 bill to the **Judiciary I 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** on May 31, 2005.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Commerce Committee** and re-refers the bill to the **Rules and Operations of the Senate 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 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** on May 9, 2005.

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 **Health Care 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 bill to the **Health Care Committee**.

May 30, 2006

CALENDAR

A bill on today's Calendar is taken up and disposed of, as follows:

S.B. 1210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MANDATE THAT CHILDREN ENTERING KINDERGARTEN OBTAIN A COMPREHENSIVE EYE EXAMINATION, THE GOVERNOR'S VISION CARE PROGRAM, AND THE GOVERNOR'S COMMISSION ON EARLY CHILDHOOD VISION CARE; AND TO PROVIDE THAT FUNDS APPROPRIATED TO THE RESERVE FOR THE GOVERNOR'S VISION CARE PROGRAM SHALL REVERT TO THE GENERAL 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 7.

SEATING OF THE HONORABLE PETER SAMUEL BRUNSTETTER

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces that The Honorable Peter Samuel Brunstetter awaits at the door to enter the Chamber to take his seat as a member of the Senate. Senator Dannelly announces the appointment of Senator Garrou, Senator Berger of Rockingham, Senator Stevens and Senator Hartsell as the Committee to escort Senator Peter Samuel Brunstetter to the Well of the Senate.

The President instructs the Reading Clerk to read the Proclamation from the Governor appointing Senator Peter Samuel Brunstetter, as follows:

THE APPOINTMENT OF PETER SAMUEL BRUNSTETTER

2005-2006

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable William B. Miller, Sr., appointed Senator from the Thirty-first Senate District of the 2005-2006 General Assembly, has resigned; and

WHEREAS, the provisions of General Statute 163-11 require that the vacancy created by the resignation of the Honorable William B. Miller, be filled by appointment of the person recommended by the Thirty-first Senate District Republican Party Executive Committee; and

WHEREAS, the Thirty-first Senate District Republican Party Executive Committee has notified me of its recommendation of Peter Samuel Brunstetter of Forsyth County, North Carolina, to fill the unexpired term,

May 30, 2006

Effective May 30, 2006

I do by these presents appoint

PETER SAMUEL BRUNSTETTER

as a member of the

SENATE

2005-2006 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-fifth day of May in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred and thirtieth.

S/ Michael F. Easley
Governor

ATTEST:
S/ Elaine F. Marshall
Secretary of State

(Senator Brunstetter was administered the Oath of Office on May 30, 2006, by The Honorable William B. Reingold, Chief District Court Judge, Judicial District 21 of the General Court of Justice of the State of North Carolina)

Senator Brunstetter is escorted to Seat No. 32.

The chair extends the privileges of the floor to guests of Senator Brunstetter, his wife, Jodie, daughter, Rebecca, and son, Dan.

COMMITTEE APPOINTMENTS

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the following appointments to the 2005-2006 Senate Standing Committees:

Senator Brunstetter is appointed to the following committees:

Education/Higher Education
Agriculture/Environment/Natural Resources
Appropriations/Base Budget
Appropriations Subcommittee on Natural & Economic Resources
Rules & Operations of the Senate
Transportation
Judiciary I
State & Local Government

May 30, 2006

PRIVILEGES OF THE FLOOR

The Chair extends privileges of the floor to The Honorable William B. Miller Sr., former Senator from Forsyth County.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 1377, A BILL TO BE ENTITLED AN ACT TO AMEND THE TRANSITION PROVISIONS OF ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO RESOLVE A TIME-SENSITIVE PROBLEM REGARDING THE EFFECTIVENESS OF CERTAIN FINANCING STATEMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Jacob Adams, Shelby; Blair Belk, Charlotte; Jasmine D. Bowers, Charlotte; Abigail Faith Brack, Gastonia; Brandon James Broome, Charlotte; Claire Olivia Brown, Clayton; Harrison Compton, Tryon; Patrick Sam Compton, Tryon; Elisabeth Lee Curtis, Rock Hill, S.C.; Justin M. Foxx, Charlotte; Kristen Erica Griggs, Charlotte; Fancia Hopper, Charlotte; Justin M. Huntley, Mooresville; Jason Jones, Charlotte; Jamie Marie Keener, Raleigh; Scott Leath, Fuquay Varina; Alexandra Leonard, Garner; Kelsey Dail Murray, Nashville; Robert Niegelsky, Greensboro; Alvin Dale Riley, Charlotte; Emily Alan Skipper, Raleigh; Hannah Suzanne Welch, Gastonia and Kay N. Witherspoon, Charlotte.

ADDITIONAL SPONSORS

Senator Berger of Franklin requests to be added as a sponsor of previously introduced legislation:

S.J.R. 1853, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO PROVIDE FUNDS TO CHARTER SCHOOLS.

S.B. 1854, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO PROVIDE FUNDS TO CHARTER SCHOOLS.

May 30, 2006

S.B. 1915, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PERSON MAY USE FORCE TO DEFEND HIMSELF OR HERSELF AND TO APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF THE COURTS TO ASSIST WITH OPERATING EXPENSES.

Senator Blake requests to be added as a sponsor of previously introduced legislation:

S.B. 2002, A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR STUDENTS TO BE ADMITTED TO THE UNIVERSITY OF NORTH CAROLINA.

Senator Forrester requests to be added as a sponsor of previously introduced legislation:

S.B. 2002, A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR STUDENTS TO BE ADMITTED TO THE UNIVERSITY OF NORTH CAROLINA.

Senator Jacumin requests to be added as a sponsor of previously introduced legislation:

S.B. 2002, A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR STUDENTS TO BE ADMITTED TO THE UNIVERSITY OF NORTH CAROLINA.

Senator Pittenger requests to be added as a sponsor of previously introduced legislation:

S.J.R. 1977, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REQUIRE LAW ENFORCEMENT OFFICERS TO NOTIFY THE IMMIGRATION AND NATURALIZATION SERVICE BY LETTER, AFTER AN ARREST AND BASED ON REASONABLE SUSPICION, THAT THE DEFENDANT IS SUSPECTED OF BEING AN UNDOCUMENTED ALIEN.

S.B. 1979, A BILL TO BE ENTITLED AN ACT TO REQUIRE LAW ENFORCEMENT OFFICERS TO NOTIFY THE IMMIGRATION AND NATURALIZATION SERVICE BY LETTER, AFTER AN ARREST AND BASED ON REASONABLE SUSPICION, THAT THE DEFENDANT IS SUSPECTED OF BEING AN UNDOCUMENTED ALIEN.

S.B. 1980, A BILL TO BE ENTITLED AN ACT TO PROVIDE A ONE-TIME TAX REBATE TO EACH INDIVIDUAL TAXPAYER WHO RESIDES IN THIS STATE.

May 30, 2006

S.B. 1982, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND LOCAL DEPARTMENTS OF SOCIAL SERVICES TO PUBLISH APPLICATIONS FOR PUBLIC ASSISTANCE IN THE ENGLISH LANGUAGE ONLY, AND TO APPROPRIATE FUNDS TO REPLACE PUBLICATIONS CURRENTLY PRINTED IN LANGUAGES OTHER THAN ENGLISH.

S.B. 1999, A BILL TO BE ENTITLED AN ACT TO ADJUST THE INDIVIDUAL INCOME TAX BRACKETS.

S.B. 2015, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A SALIVA SAMPLE BE TAKEN FOR DNA ANALYSIS FROM ANYONE ARRESTED FOR THE COMMISSION OR ATTEMPTED COMMISSION OF A FELONY OFFENSE.

Upon motion of Senator Basnight, seconded by Senator Snow, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Wednesday, May 31, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 1892, 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 AND TO MAKE OTHER CHANGES TO MORE CLOSELY CONFORM TO FEDERAL TAX LAW.

Referred to the **Finance Committee**.

H.B. 1898 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CORPORATE INCOME TAX ADJUSTMENTS INAPPLICABLE TO S CORPORATIONS.

Referred to the **Finance Committee**.

H.B. 1915, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE STREAMLINED SALES TAX DEFINITIONS CONCERNING TELECOMMUNICATIONS AND TO SIMPLIFY THE TAX PAYMENT REQUIREMENTS FOR SEMIMONTHLY TAXPAYERS.

Referred to the **Finance Committee**.

H.J.R. 1951, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY COLLECT PROPERTY TAXES FOR CERTAIN NEWLY ANNEXED PROPERTY OVER A THREE-YEAR PERIOD AND DELAY THE ACCRUAL OF INTEREST ACCORDINGLY.

Referred to the **Rules and Operations of the Senate Committee**.

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H.J.R. 1982, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, 2006 REGULAR SESSION, TO CONSIDER "A BILL TO BE ENTITLED AN ACT RELATING TO THE FILING PERIOD FOR EMPLOYERS TO PROTEST UNEMPLOYMENT INSURANCE CLAIMS."

Referred to the **Rules and Operations of the Senate Committee**.

H.J.R. 2146, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BUTNER PUBLIC SAFETY SHALL BE CONSIDERED THE EQUIVALENT OF A MUNICIPAL POLICE DEPARTMENT FOR PURPOSES OF THE LAWS PROVIDING FOR COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES AND ASSISTANCE TO STATE LAW ENFORCEMENT AGENCIES.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:33 P.M.

ONE HUNDRED FORTY-FIRST DAY

Senate Chamber
Wednesday, May 31, 2006

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:

"Why is it, O God, that we foul up good communication by asking someone a question and then answering it ourselves? That point is brought home in the story of a small girl who was writing a paper on 'garden clubs.' She asked her father for help and her father replied, 'Ask your mother.' The girl responded, 'Dad, I didn't want to know that much.'

"We could all profit greatly by applying the advice of the Biblical writer, James. 'Let every person be swift to hear, slow to speak.' Amen."

The Chair grants a leave of absence for today to Senator Jenkins.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, May 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

May 31, 2006

The Chair extends the privileges of the floor to Dr. Eric Christopher from Durham, 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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Holloman for the **State & Local Government Committee**:

S.B. 1200, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF SPINDALE TO ALLOW THE TOWN TO FOLLOW THE GENERAL LAW ON SCHEDULING TOWN BOARD MEETINGS, with a favorable report.

S.B. 1218, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT THE MAYOR PRO TEMPORE SERVES AT THE PLEASURE OF THE CITY COUNCIL, THE SAME AS UNDER THE GENERAL LAW, with a favorable report.

S.B. 1328, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SALUDA TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE CITY, with a favorable report.

Upon motion of Senator Holloman, the bill is re-referred to the **Finance Committee**.

S.B. 1348, 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. 1351, A BILL TO BE ENTITLED AN ACT TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE, with a favorable report.

H.B. 1819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT ANNEXATION OF ANY PART OF THE TERRITORY OF THE LYONS STATION SANITARY DISTRICT, with a favorable report.

By Senator Bingham for the **Health Care Committee**:

S.B. 1276, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW THE CAP/DA PROGRAM IN RESPONSE TO ISSUES IDENTIFIED IN THE MEDICAID INSTITUTIONAL BIAS STUDY, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING, with a favorable report.

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S.B. 1278, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ENSURE AWARENESS OF ADULT DAY HEALTH SERVICES AND TO PROVIDE A STATUS REPORT ON CHANGES IMPLEMENTED AS A RESULT OF THE ADULT DAY SERVICES STUDY, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING, with a favorable report.

S.B. 1279, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COLLABORATE WITH PROVIDERS AND ADVOCATES OF HOME AND COMMUNITY-BASED SERVICES TO REVIEW AND MAKE RECOMMENDATIONS ADDRESSING BIASES IDENTIFIED IN THE NORTH CAROLINA INSTITUTIONAL BIAS STUDY REPORT, AS RECOMMENDED BY THE 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 55482, is adopted and engrossed.

CALENDAR

A bill on today's Calendar is taken up and disposed of, as follows:

S.B. 1377, A BILL TO BE ENTITLED AN ACT TO AMEND THE TRANSITION PROVISIONS OF ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO RESOLVE A TIME-SENSITIVE PROBLEM REGARDING THE EFFECTIVENESS OF CERTAIN FINANCING STATEMENTS, 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.

ADDITIONAL SPONSORS

Senator Pittenger requests to be added as a sponsor of previously introduced legislation:

S.B. 2013, A BILL TO BE ENTITLED AN ACT TO STUDY THE FEASIBILITY OF TELEVISIONING ALL LEGISLATIVE SESSIONS AND SELECTED COMMITTEE MEETINGS.

Senator Shaw requests to be added as a sponsor of previously introduced legislation:

S.B. 1372, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY COLLECT PROPERTY TAXES FOR CERTAIN NEWLY ANNEXED PROPERTY OVER A THREE-YEAR PERIOD AND DELAY THE ACCRUAL OF INTEREST ACCORDINGLY.

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Upon motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Thursday, June 1, at 11:00 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 1841 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF MEMBERS ON THE SHELBY ABC BOARD.

Referred to the **State & Local Government Committee**.

H.B. 1847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN POLITICAL COMMITTEE TREASURER TRAINING, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL REFORM.

Referred to the **Judiciary I Committee**.

H.B. 1882 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN GREENE COUNTY AND TO REQUIRE WRITTEN PERMISSION BEFORE HUNTING ON THE POSTED LANDS OF ANOTHER IN GREENE COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 2174, A BILL TO BE ENTITLED AN ACT TO RAISE THE MINIMUM WAGE IN NORTH CAROLINA.

Referred to the **Commerce Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 2358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE HAYWOOD COUNTY CONSOLIDATED SCHOOL SYSTEM BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE NORTH CAROLINA INTERNATIONAL FOLK FESTIVAL, INC., AND HAYWOOD COMMUNITY COLLEGE EVENTS TO BE HELD IN HAYWOOD COUNTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 1, for concurrence.

S.B. 912 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES BY LIMITING THE NUMBER OF VIDEO GAMING MACHINES THAT MAY BE POSSESSED OR OPERATED TO TWO PER LOCATION ON OCTOBER 1, 2006, AND TO ONE PER LOCATION ON MARCH 1, 2007, AND

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TO PROHIBIT POSSESSION OR OPERATION OF VIDEO GAMING MACHINES AS OF JULY 1, 2007, EXCEPT PURSUANT TO A TRIBAL-STATE COMPACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 1.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:35 P.M.

ONE HUNDRED FORTY-SECOND DAY

Senate Chamber
Thursday, June 1, 2006

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, Lieutenant Governor Perdue was right yesterday. It doesn't matter whether it's in a prayer or a speech or a casual conversation our culture demands that we carefully choose our words in every one of those communications.

"We do not want and can't afford to be misunderstood or misquoted. Remind us it is futile to choose our words so precisely if we cannot get those words authentically translated into the heart and conduct of our lives. Amen."

The Chair grants leaves of absence for today to Senator Atwater and Senator Basnight.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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.

The Chair extends the privileges of the floor to Dr. Emily Bray from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Julia Aucoin from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

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S.B. 1592, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF MOUNTAIN BOG STATE NATURAL AREA AND SANDY RUN SAVANNAS STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55486, which changes the title to read **S.B. 1592** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF MOUNTAIN BOG STATE NATURAL AREA AND SANDY RUN SAVANNAS STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE PARK AT CABIN LAKE, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget 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, 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 70765, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 1485, A BILL TO BE ENTITLED AN ACT TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO ANNUALLY REPORT CERTAIN INFORMATION TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, with a favorable report.

By Senator Holloman for the **State & Local Government Committee**:

S.B. 1310, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF CRAMERTON 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, with a favorable report.

H.B. 1822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO SELL AT PRIVATE SALE THE FORMER LEXINGTON FURNITURE PROPERTIES, with a favorable report.

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S.B. 1265, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON BEAR HUNTING IN PERQUIMANS 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 75532, is adopted and engrossed.

S.B. 1311, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR CONSUMPTION OF ALCOHOL ON RIVERS IN POLK 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 55484, is adopted and engrossed.

S.B. 1335, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF TABOR CITY 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 65504, is adopted and engrossed.

Upon motion of Senator Holloman, the Committee Substitute bill is referred to the **Finance Committee**.

S.B. 1358, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN 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 55487, which changes the title to read **S.B. 1358** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF AHOSKIE AND LAGRANGE, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

S.B. 1431, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

H.B. 1330 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO LICENSE AND REGULATE ANESTHESIOLOGIST ASSISTANTS, with a favorable report.

S.B. 1283, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TREATMENT OF DEFERRED TAX ASSETS IN THE COMPUTATION OF THE FRANCHISE TAX CAPITAL BASE, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

S.B. 1213, A BILL TO BE ENTITLED AN ACT TO CONFORM THE TAX CREDIT FOR PRODUCTION COMPANIES TO THE STANDARD TAX TREATMENT WITH RESPECT TO THE DEDUCTION OF BUSINESS EXPENSES AND TO MAKE TECHNICAL CHANGES TO THAT CREDIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75531, is adopted and engrossed.

S.B. 1506, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55483, is adopted and engrossed.

S.B. 1552, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADDITIONAL JOINT FILING OPTION FOR INDIVIDUAL INCOME TAXES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65601, is adopted and engrossed.

S.B. 1692, A BILL TO BE ENTITLED AN ACT TO REDUCE THE TAX ON SALES OF EQUIPMENT USED FOR RESEARCH AND DEVELOPMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55485, is adopted and engrossed.

S.B. 1809, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15410, which changes the title to read **S.B. 1809** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA AND TO MAKE REVISIONS TO PREVIOUSLY AUTHORIZED INDEBTEDNESS FOR VARIOUS CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, is adopted and engrossed.

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S.B. 948 (Committee Substitute), 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 Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 65602, is adopted and engrossed.

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 OCRACOKE 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, with an unfavorable report as to concurrence.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1348, 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 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 5, upon third reading.

S.B. 1200, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF SPINDALE TO ALLOW THE TOWN TO FOLLOW THE GENERAL LAW ON SCHEDULING TOWN BOARD MEETINGS.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1218, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT THE

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MAYOR PRO TEMPORE SERVES AT THE PLEASURE OF THE CITY COUNCIL, THE SAME AS UNDER THE GENERAL LAW.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1351, A BILL TO BE ENTITLED AN ACT TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT ANNEXATION OF ANY PART OF THE TERRITORY OF THE LYONS STATION SANITARY DISTRICT.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 2358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE HAYWOOD COUNTY CONSOLIDATED SCHOOL SYSTEM BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE NORTH CAROLINA INTERNATIONAL FOLK FESTIVAL, INC., AND HAYWOOD COMMUNITY COLLEGE EVENTS TO BE HELD IN HAYWOOD COUNTY, with a favorable report.

Upon motion by Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

S.B. 1276, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW THE CAP/DA PROGRAM IN RESPONSE TO ISSUES IDENTIFIED IN THE MEDICAID INSTITUTIONAL BIAS STUDY, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1278, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ENSURE AWARENESS OF ADULT DAY HEALTH SERVICES AND TO PROVIDE

June 1, 2006

A STATUS REPORT ON CHANGES IMPLEMENTED AS A RESULT OF THE ADULT DAY SERVICES STUDY, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1279 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COLLABORATE WITH PROVIDERS AND ADVOCATES OF HOME AND COMMUNITY-BASED SERVICES TO REVIEW AND MAKE RECOMMENDATIONS ADDRESSING BIASES IDENTIFIED IN THE NORTH CAROLINA INSTITUTIONAL BIAS STUDY REPORT, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 912 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES BY LIMITING THE NUMBER OF VIDEO GAMING MACHINES THAT MAY BE POSSESSED OR OPERATED TO TWO PER LOCATION ON OCTOBER 1, 2006, AND TO ONE PER LOCATION ON MARCH 1, 2007, AND TO PROHIBIT POSSESSION OR OPERATION OF VIDEO GAMING MACHINES AS OF JULY 1, 2007, EXCEPT PURSUANT TO A TRIBAL-STATE COMPACT.

Upon motion of Senator Albertson, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 5, for concurrence.

H.B. 2358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE HAYWOOD COUNTY CONSOLIDATED SCHOOL SYSTEM BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE NORTH CAROLINA INTERNATIONAL FOLK FESTIVAL, INC., AND HAYWOOD COMMUNITY COLLEGE EVENTS TO BE HELD IN HAYWOOD COUNTY, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 2358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE HAYWOOD COUNTY CONSOLIDATED SCHOOL SYSTEM BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC

June 1, 2006

SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE NORTH CAROLINA INTERNATIONAL FOLK FESTIVAL, INC., AND HAYWOOD COMMUNITY COLLEGE EVENTS TO BE HELD IN HAYWOOD COUNTY.

Upon motion of Senator Dannelly, seconded by Senator Clodfelter, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Monday, June 5, at 7:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 1848 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF BLANK CHECKS AS CAMPAIGN CONTRIBUTIONS AND TO DELINEATE WHAT IS LAWFUL AND UNLAWFUL PARTICIPATION BY AN INTERMEDIARY IN POLITICAL FUND-RAISING, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL REFORM.

Referred to the **Judiciary I Committee**.

H.B. 1863, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MEBANE TO MAINTAIN SIDEWALKS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION.

Referred to the **State & Local Government Committee**.

H.B. 2120, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OVERSIGHT ROLE OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; TO REPEAL THE LEGISLATIVE STUDY COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; TO DIRECT THE OVERSIGHT COMMITTEE TO STUDY CERTAIN ISSUES; AND TO MAKE A RECOMMENDATION REGARDING INCREASING HEALTH CARE COVERAGE TO INCLUDE MENTAL HEALTH AND 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**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 11:30 A.M.

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ONE HUNDRED FORTY-THIRD DAY

Senate Chamber
Monday, June 5, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, in the week ahead keep us from being our own worst enemy by trying to please everyone. In doing so we deny the God-given uniqueness and authenticity in each of us.

"Instead, help us to be our own best friend by listening to your still small voice within us and then conducting our lives accordingly. In your holy name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Hartsell, Senator Malone, Senator Nesbitt, Senator Shaw and Senator Soles.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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 Chair extends the privileges of the floor to Trudy Perkinson from Oxford, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWAL FROM 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** on May 12, 2005.

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 bill to the **Health Care 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** on May 16, 2005.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

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The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-refers the bill to the **State & Local Government Committee**.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 1485, A BILL TO BE ENTITLED AN ACT TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO ANNUALLY REPORT CERTAIN INFORMATION TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 6.

S.B. 1358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF AHOSKIE AND LAGRANGE.

Upon motion of Senator Holloman, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 6.

S.B. 1310, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF CRAMERTON 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.

Upon motion of Senator Hoyle, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 6.

WITHDRAWAL FROM COMMITTEE

S.B. 1738, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TRIAL REHABILITATION PERIODS FOR PERSONS WHO HAVE BEEN RECEIVING LONG-TERM DISABILITY BENEFITS UNDER THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO ALLOW THOSE PERSONS TO ATTEMPT A RETURN TO WORK WITHOUT BEING PENALIZED, referred to the **Rules and Operations of the Senate Committee** on May 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the 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**.

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CALENDAR (*continued*)

S.B. 1348, 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 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1431, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 39, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Purcell, Rand, Smith, Snow, Stevens, Swindell, Tillman and Weinstein—39.

Voting in the negative: Senators Allran, East, Forrester, Pittenger, Presnell and Webster—6.

The bill remains on the Calendar for tomorrow, Tuesday, June 6, upon third reading.

S.B. 1506 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS 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 39, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Purcell, Rand, Smith, Snow, Stevens, Swindell, Tillman and Weinstein—39.

Voting in the negative: Senators Allran, East, Forrester, Pittenger, Presnell and Webster—6.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 6, upon third reading.

S.B. 1265 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON BEAR HUNTING IN PERQUIMANS COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR CONSUMPTION OF ALCOHOL ON RIVERS IN POLK COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 1822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO SELL AT PRIVATE SALE THE FORMER LEXINGTON FURNITURE PROPERTIES.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

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.

The Senate fails to concur in the House Committee Substitute bill on its second reading by roll-call vote, ayes 1, noes 44, as follows:

Voting in the affirmative: Senator Kerr—1.

Voting in the negative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Lucas, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Stevens, Swindell, Tillman, Webster and Weinstein—44.

Senator Kerr offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 1213 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE TAX CREDIT FOR PRODUCTION COMPANIES TO THE STANDARD TAX TREATMENT WITH RESPECT TO THE DEDUCTION OF BUSINESS EXPENSES AND TO MAKE TECHNICAL CHANGES TO THAT CREDIT, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 25, noes 20, as follows:

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Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Bland, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Purcell, Rand, Snow, Swindell and Weinstein—25.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Garwood, Goodall, Hunt, Jacumin, Pittenger, Presnell, Smith, Stevens, Tillman and Webster—20.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 6, upon third reading.

S.B. 1283, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TREATMENT OF DEFERRED TAX ASSETS IN THE COMPUTATION OF THE FRANCHISE TAX CAPITAL BASE.

Upon motion of Senator Hoyle, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 6.

S.B. 1692, A BILL TO BE ENTITLED AN ACT TO REDUCE THE TAX ON SALES OF EQUIPMENT USED FOR RESEARCH AND DEVELOPMENT, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 6, upon third reading.

S.B. 1809 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA AND TO MAKE REVISIONS TO PREVIOUSLY AUTHORIZED INDEBTEDNESS FOR VARIOUS CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Stevens, Swindell, Tillman and Weinstein—44.

Voting in the negative: Senator Webster—1.

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The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 6, upon third reading.

S.B. 948 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE BOATING SAFETY AND VESSEL TITLING LAW.

The Committee Substitute bill No. 2 passes its second (44-1) and third readings and is ordered sent to the House of Representatives.

S.B. 1552 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADDITIONAL JOINT FILING OPTION FOR INDIVIDUAL INCOME TAXES.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1330 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO LICENSE AND REGULATE ANESTHESIOLOGIST ASSISTANTS.

The Senate Committee Substitute bill passes its second (42-3) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 912 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES BY LIMITING THE NUMBER OF VIDEO GAMING MACHINES THAT MAY BE POSSESSED OR OPERATED TO TWO PER LOCATION ON OCTOBER 1, 2006, AND TO ONE PER LOCATION ON MARCH 1, 2007, AND TO PROHIBIT POSSESSION OR OPERATION OF VIDEO GAMING MACHINES AS OF JULY 1, 2007, EXCEPT PURSUANT TO A TRIBAL-STATE COMPACT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (44-1) and the bill is ordered enrolled and sent to the Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1819 (Committee Substitute), AN ACT TO RESTRICT ANNEXATION OF ANY PART OF THE TERRITORY OF THE LYONS STATION SANITARY DISTRICT.

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:

June 5, 2006

H.B. 2358 (Committee Substitute), AN ACT TO ALLOW THE HAYWOOD COUNTY CONSOLIDATED SCHOOL SYSTEM BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE NORTH CAROLINA INTERNATIONAL FOLK FESTIVAL, INC., AND HAYWOOD COMMUNITY COLLEGE EVENTS TO BE HELD IN HAYWOOD COUNTY. (Became law upon ratification, June 1, 2006 - S.L. 2006-3.)

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore* announces the following changes to the Standing Committee appointments:

Senator Brunstetter is removed from the **Committee on Agriculture/Environment/Natural Resources** and is appointed to the **Finance Committee**.

Upon motion of Senator Basnight, seconded by Senator Holloman, the Senate adjourns subject to reading of messages from the House of Representatives and Executive Orders, to meet tomorrow, Tuesday, June 6, at 3:00 P.M.

EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows (*See Appendix.*):

Executive Order Number 102, Continuity of Operations and Continuity of Government Planning.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.J.R. 1818, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE NORTH CAROLINA CONSUMER FINANCE ACT TO VARIOUS LENDING SUBTERFUGES.

Referred to the **Rules and Operations of the Senate Committee**.

H.J.R. 1870, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO EXTEND THE PERIOD IN WHICH A LICENSE REMAINS IN EFFECT AFTER A PERSON LICENSED ON BEHALF OF A FIRM OR CORPORATION CEASES TO BE ASSOCIATED WITH THAT FIRM OR CORPORATION.

Referred to the **Rules and Operations of the Senate Committee**.

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H.B. 2026, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF CRAMERTON 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.

Referred to the **State & Local Government Committee**.

H.J.R. 2643, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO GIVE THE EASTERN BAND OF CHEROKEE INDIANS THE STATUS OF A STATE THE SAME AS PROVINCES OF CANADA.

Referred to the **Rules and Operations of the Senate Committee**.

H.J.R. 2759, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT PERTAINING TO PRESCRIPTION DRUG PURCHASING UNDER THE MEDICAID PROGRAM.

Referred to the **Rules and Operations of the Senate Committee**.

H.J.R. 2852, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROTECT MILITARY VETERANS FROM IDENTITY THEFT.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:05 P.M.

ONE HUNDRED FORTY-FOURTH DAY

Senate Chamber
Tuesday, June 6, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Honorable Jeanne H. Lucas, Senator from Durham County, as follows:

"Father, thank you for bringing us safely from last night to this present moment. We rejoice in your loving kindness and your tender mercy. We are confident that if we continue to be obedient to your will our actions in this General Assembly will be bold, courageous, and blessed. It is in your precious name we pray, Amen."

June 6, 2006

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, June 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends the privileges of the floor to Dr. Susan Murphey from Boone, North Carolina, who is serving the Senate as Doctor of the Day, and to Sarah League from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 1479, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Finance Committee**.

S.B. 1289, A BILL TO BE ENTITLED AN ACT TO REDUCE FATALITIES AMONG NEW TEEN DRIVERS BY MAKING THE USE OF A MOBILE PHONE UNLAWFUL FOR A PERSON LESS THAN EIGHTEEN YEARS OF AGE AND WHO HOLDS A PROVISIONAL LICENSE WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY, AS RECOMMENDED BY THE NC CHILD FATALITY TASK FORCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55488, is adopted and engrossed.

S.B. 1555, A BILL TO BE ENTITLED AN ACT TO ENACT REVISED ARTICLE 1 OF THE UNIFORM COMMERCIAL CODE CONTAINING GENERAL PROVISIONS APPLICABLE TO THE ENTIRE CODE, TO MAKE CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, TO ENACT REVISED ARTICLE 7 OF THE UNIFORM COMMERCIAL CODE RELATING TO WAREHOUSE RECEIPTS AND BILLS OF LADING, TO MAKE CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, AND TO REPEAL OBSOLETE CRIMINAL PROVISIONS OF THE FORMER UNIFORM WAREHOUSE RECEIPTS 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 75534, is adopted and engrossed.

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By Senator Rand for the **Rules and Operations of the Senate Committee:**

S.B. 329 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, with a favorable report as to concurrence.

BILL ORDERED SENT TO THE GOVERNOR

Upon motion of Senator Rand, **S.B. 912**, ordered sent to the Governor on June 5, will be sent by special message.

WITHDRAWAL FROM 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** on May 25, 2005.

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 **Health Care 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 bill to the **Health Care Committee**.

H.B. 1844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE EXECUTIVE BRANCH ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS, AND TO MAKE CONFORMING CHANGES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL REFORM, referred to the **Judiciary II Committee** on May 17.

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 bill to the **Judiciary I Committee**.

S.B. 1738, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TRIAL REHABILITATION PERIODS FOR PERSONS WHO HAVE BEEN

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RECEIVING LONG-TERM DISABILITY BENEFITS UNDER THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO ALLOW THOSE PERSONS TO ATTEMPT A RETURN TO WORK WITHOUT BEING PENALIZED, re-referred to the **Appropriations/Base Budget Committee** on June 5.

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 **Pensions & Retirement and Aging 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 **Pensions & Retirement and Aging Committee**.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable William D. Mills, former Senator from Onslow County.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1283, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TREATMENT OF DEFERRED TAX ASSETS IN THE COMPUTATION OF THE FRANCHISE TAX CAPITAL BASE.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 7.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 912, AN ACT TO PHASE OUT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES BY LIMITING THE NUMBER OF VIDEO GAMING MACHINES THAT MAY BE POSSESSED OR OPERATED TO TWO PER LOCATION ON OCTOBER 1, 2006, AND TO ONE PER LOCATION ON MARCH 1, 2007, AND TO PROHIBIT POSSESSION OR OPERATION OF VIDEO GAMING MACHINES AS OF JULY 1, 2007, EXCEPT PURSUANT TO A TRIBAL-STATE COMPACT.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1822, AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO SELL AT PRIVATE SALE THE FORMER LEXINGTON FURNITURE PROPERTIES.

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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. 1819, AN ACT TO RESTRICT ANNEXATION OF ANY PART OF THE TERRITORY OF THE LYONS STATION SANITARY DISTRICT. (Became law upon ratification, June 5, 2006 - S.L. 2006-4.)

CALENDAR (*continued*)

S.B. 1431, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—46.

Voting in the negative: Senators Forrester, Pittenger, Presnell and Webster—4.

The bill is ordered sent to the House of Representatives.

S.B. 1506 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS 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 46, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—46.

Voting in the negative: Senators Forrester, Pittenger, Presnell and Webster—4.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1310, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF CRAMERTON 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.

Senator Hoyle offers Amendment No. 1 which is adopted (50-0), and changes the title to read **S.B. 1310**, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF CRAMERTON AND THE CITY OF CHERRYVILLE TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS

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AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The bill, as amended, passes its second (50-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF AHOSKIE AND LAGRANGE.

Senator Hoyle offers Amendment No. 1 which is adopted (50-0), and changes the title to read **S.B. 1358** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF AHOSKIE, CRAMERTON, AND LAGRANGE.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1213 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE TAX CREDIT FOR PRODUCTION COMPANIES TO THE STANDARD TAX TREATMENT WITH RESPECT TO THE DEDUCTION OF BUSINESS EXPENSES AND TO MAKE TECHNICAL CHANGES TO THAT CREDIT, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 29, noes 21, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Bland, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Swindell and Weinstein—29.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Garwood, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Presnell, Smith, Stevens, Tillman and Webster—21.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE TAX ON SALES OF EQUIPMENT USED FOR RESEARCH AND DEVELOPMENT, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1809 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA AND TO MAKE REVISIONS TO PREVIOUSLY AUTHORIZED INDEBTEDNESS FOR VARIOUS CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman and Weinstein—49.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1485, A BILL TO BE ENTITLED AN ACT TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO ANNUALLY REPORT CERTAIN INFORMATION TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

The bill passes its second (50-0) 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:

Caroline Lindsay Allen, Rock Hill, S.C.; Carson Blackley, Bullock; Charles Boyce Brooks, Waxhaw; Laura E. Byrd, North Wilkesboro; William Adkins Cottrell, Oxford; Laura E. Cowan, Fayetteville; Sarah Gray Gilliam, Windsor; Bradford Andrew Hill, Raleigh; Nathaniel William Honaker, Raleigh; Anna Christine Hudson, Elon; Dane Jorgensen, Black Mountain; Joshua A. Ludwig, Wake Forest; William A. Motley, Cary; Wiley Narron, Smithfield; Olivia Newman, Summerfield; Sarah Elizabeth Nolan, Cary; Thomas Lynwood Smith, High Point; Hampton Ashley Story, Raleigh; Coty Stroud, Trenton; Josh Tarkington, Huntersville; and Lauren Weatherly, Greensboro.

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ADDITIONAL SPONSORS

Senator Dalton requests to be added as a sponsor of previously introduced legislation:

S.B. 1204, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS AND TO APPROPRIATE FUNDS TO IMPLEMENT AN ACTIVE AND PASSIVE ELECTRONIC MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS PLACED ON PROBATION, PAROLE, OR POST-RELEASE SUPERVISION, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

Senator Jacumin requests to be added as a sponsor of previously introduced legislation:

S.B. 1789, A BILL TO BE ENTITLED AN ACT TO EXEMPT ELECTRICITY AND PIPED NATURAL GAS SOLD TO MANUFACTURERS FROM THE SALES AND USE TAX AND THE EXCISE TAX ON PIPED NATURAL GAS.

Upon motion of Senator Basnight, seconded by Senator Atwater, the Senate adjourns at 3:42 P.M. to meet tomorrow, Wednesday, June 7, at 3:00 P.M.

ONE HUNDRED FORTY-FIFTH DAY

Senate Chamber
Wednesday, June 7, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Dr. Allan Moseley, Dean of Students, Southeastern Baptist Theological Seminary, Wake Forest, North Carolina as follows:

"Lord, You have been our dwelling place in all generations. Before the mountains were born or You gave birth to the earth and the world, even from everlasting to everlasting, You are God (Psalm 90:1-2). As for man, his days are like grass; as a flower of the field, so he flourishes. When the wind has passed over it, it is no more, and its place acknowledges it no longer. But the loving kindness of the Lord is from everlasting to everlasting on those who fear Him, and His righteousness to children's children, to those who keep His covenant and remember His precepts to do them (Psalm 103:15-18).

June 7, 2006

"Lord, we approach You today in humility, knowing that we are mere men and women and You are God. Today we pray that we will be ever mindful of the fact that we are subject to You and we will give an account to You as the One who is King and Lord over all.

"We thank You for the blessings You have showered upon us and upon this great State. We thank you for these who lead in governing our State. We acknowledge that they are here according to Your sovereign will, since Your Word tells us, 'There is no authority except from God, and those which exist are established by God' (Romans 13:1).

"Today, Lord, we pray that they will be Your workers for good. We pray that they will remember our human limitations and inclinations and will turn to You for strength and to Your Word for guidance.

"I pray for their families today, Lord. May You bless them and care for them in the absence of these who are here to serve and lead the people of this State. Some may be struggling with some special affliction. You know about that and we pray that You will minister to them even in this moment according to Your power, Your love, and Your purpose. Lord, today we thank You most of all for loving us. And we thank You for the countless ways in which You have demonstrated that love. And I thank You for the *perfect* manifestation of that love - Jesus, God the Son and the Savior from sin. I make this humble prayer in His exalted name, Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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 Chair extends the privileges of the floor to Dr. Matthew Mullen from Wake Forest, North Carolina, who is serving the Senate as Doctor of the Day, and to Carolyn Townsend from Pittsboro, 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. 1822, AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO SELL AT PRIVATE SALE THE FORMER LEXINGTON FURNITURE PROPERTIES. (Became law upon ratification, June 6, 2006 - S.L. 2006-5.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Holloman for the **State & Local Government Committee**:

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S.B. 1512, A BILL TO BE ENTITLED AN ACT TO RAISE THE FINE FOR OVERTIME PARKING FROM FIVE DOLLARS TO NO MORE THAN FIFTY DOLLARS IN THE CITY OF SANFORD, with a favorable report.

S.B. 1513, A BILL TO BE ENTITLED AN ACT TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER, with a favorable report.

S.B. 1665, A BILL TO BE ENTITLED AN ACT TO EXEMPT STOKES COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, with a favorable report.

S.B. 1774, A BILL TO BE ENTITLED AN ACT TO ESTABLISH PUBLIC SAFETY AND PROOF OF FARE PAYMENT OFFENSES FOR RAPID TRANSIT SERVICES WITHIN THE CITY OF CHARLOTTE, with a favorable report.

S.B. 1841, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CIVIL SERVICE BOARD, with a favorable report.

S.B. 1896, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BERTIE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENT EMPLOYEES, with a favorable report.

S.B. 1903, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HERTFORD COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENT EMPLOYEES, with a favorable report.

S.B. 1928, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CLAYTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT, with a favorable report.

H.B. 1824, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT TO PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE BIKEWALK VIRGINIA EVENT TO BE HELD IN HALIFAX COUNTY, with a favorable report.

H.B. 1841 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF MEMBERS ON THE SHELBY ABC BOARD, with a favorable report.

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H.B. 1863, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MEBANE TO MAINTAIN SIDEWALKS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION, with a favorable report.

H.B. 1882 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN GREENE COUNTY AND TO REQUIRE WRITTEN PERMISSION BEFORE HUNTING ON THE POSTED LANDS OF ANOTHER IN GREENE COUNTY, with a favorable report.

By Senator Dalton for the **Pensions & Retirement and Aging Committee**:

S.B. 1738, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TRIAL REHABILITATION PERIODS FOR PERSONS WHO HAVE BEEN RECEIVING LONG-TERM DISABILITY BENEFITS UNDER THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO ALLOW THOSE PERSONS TO ATTEMPT A RETURN TO WORK WITHOUT BEING PENALIZED, with a favorable report.

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, 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 80656, is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget 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, 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 10620, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1283, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TREATMENT OF DEFERRED TAX ASSETS IN THE COMPUTATION OF THE FRANCHISE TAX CAPITAL BASE, upon second reading.

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The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, June 8, upon third reading.

WITHDRAWAL FROM 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** on June 1, 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 **Health Care 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 **Health Care Committee**.

CALENDAR (*continued*)

S.B. 1210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MANDATE THAT CHILDREN ENTERING KINDERGARTEN OBTAIN A COMPREHENSIVE EYE EXAMINATION, THE GOVERNOR'S VISION CARE PROGRAM, AND THE GOVERNOR'S COMMISSION ON EARLY CHILDHOOD VISION CARE; AND TO PROVIDE THAT FUNDS APPROPRIATED TO THE RESERVE FOR THE GOVERNOR'S VISION CARE PROGRAM SHALL REVERT TO THE GENERAL FUND.

With unanimous consent, upon motion of Senator Boseman, the Committee Substitute bill is moved to the end of today's Calendar.

S.B. 1289 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE FATALITIES AMONG NEW TEEN DRIVERS BY MAKING THE USE OF A MOBILE PHONE UNLAWFUL FOR A PERSON LESS THAN EIGHTEEN YEARS OF AGE AND WHO HOLDS A PROVISIONAL LICENSE WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY, AS RECOMMENDED BY THE NC CHILD FATALITY TASK FORCE.

The Committee Substitute bill passes its second reading (37-12).

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Senator Berger of Franklin objects to third reading of the bill. Pursuant to Rule 50, the President orders the bill placed on the Calendar for tomorrow, Thursday, June 8, upon third reading.

S.B. 1555 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT REVISED ARTICLE 1 OF THE UNIFORM COMMERCIAL CODE CONTAINING GENERAL PROVISIONS APPLICABLE TO THE ENTIRE CODE, TO MAKE CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, TO ENACT REVISED ARTICLE 7 OF THE UNIFORM COMMERCIAL CODE RELATING TO WAREHOUSE RECEIPTS AND BILLS OF LADING, TO MAKE CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, AND TO REPEAL OBSOLETE CRIMINAL PROVISIONS OF THE FORMER UNIFORM WAREHOUSE RECEIPTS ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Committee Substitute bill passes its second reading (49-0) and third reading (49-0) and is ordered sent to the House of Representatives.

WITHDRAWAL FROM CALENDAR

H.B. 1882 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN GREENE COUNTY AND TO REQUIRE WRITTEN PERMISSION BEFORE HUNTING ON THE POSTED LANDS OF ANOTHER IN GREENE COUNTY.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from the Calendar for Thursday, June 8, and is placed on the Calendar for Wednesday, June 14.

CALENDAR *(continued)*

S.B. 329 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, for concurrence.

Upon motion of Senator Rand, the Senate fails to concur in the House Committee Substitute bill (0-49).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 1210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MANDATE THAT CHILDREN ENTERING KINDERGARTEN OBTAIN A COMPREHENSIVE EYE EXAMINATION, THE GOVERNOR'S

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VISION CARE PROGRAM, AND THE GOVERNOR'S COMMISSION ON EARLY CHILDHOOD VISION CARE; AND TO PROVIDE THAT FUNDS APPROPRIATED TO THE RESERVE FOR THE GOVERNOR'S VISION CARE PROGRAM SHALL REVERT TO THE GENERAL FUND.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 15.

ADDITIONAL SPONSOR

Senator Snow requests to be added as a sponsor of previously introduced legislation:

S.B. 1415, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD WELFARE COLLABORATIVE.

Upon motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Thursday, June 8, at 11:00 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 1908 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS GOVERNING THE EDUCATION OF CHILDREN WITH SPECIAL NEEDS.

Referred to the **Education/Higher Education Committee**.

H.B. 1965, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE STATUTORY PURPOSES FOR WHICH EMINENT DOMAIN MAY BE USED BY PRIVATE CONDEMNORS, LOCAL PUBLIC CONDEMNORS, AND OTHER PUBLIC CONDEMNORS, AND FOR CERTAIN REVENUE BOND PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EMINENT DOMAIN POWERS.

Referred to the **Judiciary I Committee**.

H.J.R. 2038, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY REQUIRING FINGERPRINTS AND PHOTOGRAPHS BE TAKEN FOR MOTOR VEHICLE VIOLATIONS OF FAILING TO PRODUCE A LICENSE OR LEARNER'S PERMIT TO ANY LAW ENFORCEMENT OFFICER REQUESTING IT FOR LAWFUL PURPOSES PURSUANT TO G.S. 20-29, AND VIOLATIONS OF THE DRIVERS LICENSE AND LEARNER'S PERMIT PROVISIONS IN G.S. 20-30.

Referred to the **Rules and Operations of the Senate Committee**.

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H.B. 2273 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON PUBLIC STREETS AND HIGHWAYS IN CURRITUCK COUNTY.

Referred to the **State & Local Government Committee**.

H.J.R. 2341, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PREVENT A PERSON CONVICTED OF PASSING A STOPPED SCHOOL BUS FROM RECEIVING A PRAYER FOR JUDGMENT.

Referred to the **Rules and Operations of the Senate Committee**.

H.J.R. 2515, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT FOR MODIFYING THE SCHOOL ADMISSION REQUIREMENTS TO ENSURE THAT EVERY CHILD IS READY TO ENTER KINDERGARTEN AND THEREBY REDUCE STUDENT DROP-OUT RATES IN LATER GRADES.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:18 P.M.

ONE HUNDRED FORTY-SIXTH DAY

Senate Chamber
Thursday, June 8, 2006

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 God of Righteousness and Justice, the word 'Ethics' is a buzz word around the Legislature this session. Seems to me, though, that there isn't much difference between the 'Ethics' watchdogs and those whom they watch. We're all pretty much alike. There is in each of us a spirit of self-interest which inclines us to the exercise of situation ethics from time to time. We pray that you protect us from the subtlety of such self-deception.

"Give us wisdom to examine our plans in light of your truth and grant us courage to do what our God-enlightened consciences dictate. Amen."

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The Chair grants leaves of absence for today to Senator Garrou, Senator Rand and Senator Tillman.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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 Chair extends the privileges of the floor to Dr. Robin Cummings from Pinehurst, North Carolina, who is serving the Senate as Doctor of the Day, and to Jane Campbell from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 1377, AN ACT TO AMEND THE TRANSITION PROVISIONS OF ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO RESOLVE A TIME-SENSITIVE PROBLEM REGARDING THE EFFECTIVENESS OF CERTAIN FINANCING STATEMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1208, AN ACT TO REPEAL THE SUNSET ON LOCAL GOVERNMENT OPTIONAL COVERAGE UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

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. 912, AN ACT TO PHASE OUT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES BY LIMITING THE NUMBER OF VIDEO GAMING MACHINES THAT MAY BE POSSESSED OR OPERATED TO TWO PER LOCATION ON OCTOBER 1, 2006, AND TO ONE PER LOCATION ON MARCH 1, 2007, AND TO PROHIBIT POSSESSION OR OPERATION OF VIDEO GAMING MACHINES AS OF JULY 1, 2007, EXCEPT PURSUANT TO A TRIBAL-STATE COMPACT. (Became law upon approval of the Governor, June 6, 2006 - S.L. 2006-6.)

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 1185, 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, with a favorable report.

Upon motion of Senator Soles, the bill is placed on the Calendar for Tuesday, June 13.

S.B. 1688, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA REAL ESTATE COMMISSION TO REMOVE THE TEN PERCENT CEILING ON ITS EXPENSE RESERVE FUND UNDER THE REAL ESTATE LICENSING LAWS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Purcell for the **Health Care Committee**:

S.B. 1277, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA NEW ORGANIZATIONAL VISION AWARD SPECIAL LICENSURE DESIGNATION, AS RECOMMENDED BY THE 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 55490, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

S.B. 1372, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY COLLECT PROPERTY TAXES FOR CERTAIN NEWLY ANNEXED PROPERTY OVER A THREE-YEAR PERIOD AND DELAY THE ACCRUAL OF INTEREST ACCORDINGLY, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

S.B. 1451, A BILL TO BE ENTITLED AN ACT TO ENFORCE COLLECTION OF PROPERTY TAXES ON REAL PROPERTY AGAINST THE RECORD OWNER AS OF THE DATE THE TAXES BECOME DELINQUENT AND TO CODIFY THE PRORATION OF TAXES ON REAL PROPERTY, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

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S.B. 1526, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF REIDSVILLE, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

S.B. 1734, A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF HARRISBURG, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

S.B. 1852, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MIDWAY, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

S.B. 1905, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

S.B. 2011, A BILL TO BE ENTITLED AN ACT TO ALLOW UTILITIES THE SAME TREATMENT AS INTERSTATE CARRIERS WITH RESPECT TO THE SALES AND USE TAXES IMPOSED ON RAILWAY CARS, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

H.B. 1892, 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 AND TO MAKE OTHER CHANGES TO MORE CLOSELY CONFORM TO FEDERAL TAX LAW, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

H.B. 1898 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CORPORATE INCOME TAX ADJUSTMENTS INAPPLICABLE TO S CORPORATIONS, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

H.B. 1938, A BILL TO BE ENTITLED AN ACT TO TREAT COMMERCIAL LOGGING MACHINERY THE SAME AS FARM MACHINERY UNDER THE SALES TAX, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

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S.B. 1328, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SALUDA TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE 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 65604, which changes the title to read **S.B. 1328** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SALUDA AND THE TOWN OF FAISON TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE CITY, is adopted and engrossed.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

S.B. 1428, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF BURGAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65603, which changes the title to read **S.B. 1428** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, AND TO ALLOW AN ADVISORY REFERENDUM IN THE TOWN OF CLAYTON, is adopted and engrossed.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

S.B. 1804, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF TRYON TO LEVY A ROOM OCCUPANCY TAX, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85470, which changes the title to read **S.B. 1804** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF TRYON AND BOILING SPRINGS TO LEVY A ROOM OCCUPANCY TAX, is adopted and engrossed.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

H.B. 1915, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE STREAMLINED SALES TAX DEFINITIONS CONCERNING TELECOMMUNICATIONS AND TO SIMPLIFY THE TAX PAYMENT REQUIREMENTS FOR SEMIMONTHLY TAXPAYERS, 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 50730, which changes the title upon concurrence to read **H.B. 1915** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE STREAMLINED SALES TAX DEFINITIONS CONCERNING TELECOMMUNICATIONS, TO SIMPLIFY THE TAX PAYMENT

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REQUIREMENTS FOR SEMIMONTHLY TAXPAYERS, AND TO TREAT TANGIBLE PERSONAL PROPERTY USED IN MODULAR HOMES THE SAME AS TANGIBLE PERSONAL PROPERTY USED IN OTHER HOMES, is adopted and engrossed.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 13.

By Senator Holloman for the **State & Local Government Committee**:

S.B. 1266, A BILL TO BE ENTITLED AN ACT TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85469, which changes the title to read **S.B. 1266** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1928, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CLAYTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

Upon motion of Senator Smith, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 13.

S.B. 1512, A BILL TO BE ENTITLED AN ACT TO RAISE THE FINE FOR OVERTIME PARKING FROM FIVE DOLLARS TO NO MORE THAN FIFTY DOLLARS IN THE CITY OF SANFORD.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1513, A BILL TO BE ENTITLED AN ACT TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1665, A BILL TO BE ENTITLED AN ACT TO EXEMPT STOKES COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

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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. 1774, A BILL TO BE ENTITLED AN ACT TO ESTABLISH PUBLIC SAFETY AND PROOF OF FARE PAYMENT OFFENSES FOR RAPID TRANSIT SERVICES WITHIN THE CITY OF CHARLOTTE.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1841, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CIVIL SERVICE BOARD.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1896, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BERTIE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENT EMPLOYEES.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1903, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HERTFORD COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENT EMPLOYEES.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1824, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT TO PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE BIKEWALK VIRGINIA EVENT TO BE HELD IN HALIFAX COUNTY.

The bill passes its second (47-0) and third readings and is ordered enrolled.

H.B. 1841 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF MEMBERS ON THE SHELBY ABC BOARD.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

H.B. 1863, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MEBANE TO MAINTAIN SIDEWALKS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION.

The bill passes its second (47-0) and third readings and is ordered enrolled.

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S.B. 1283, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TREATMENT OF DEFERRED TAX ASSETS IN THE COMPUTATION OF THE FRANCHISE TAX CAPITAL BASE, 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Shaw, Smith, Snow, Soles, Stevens, Swindell, Webster and Weinstein—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1738, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TRIAL REHABILITATION PERIODS FOR PERSONS WHO HAVE BEEN RECEIVING LONG-TERM DISABILITY BENEFITS UNDER THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO ALLOW THOSE PERSONS TO ATTEMPT A RETURN TO WORK WITHOUT BEING PENALIZED.

Senator Dalton offers Amendment No. 1 which is adopted (47-0), and changes the title to read **S.B. 1738**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TRIAL REHABILITATION PERIODS FOR PERSONS WHO HAVE BEEN RECEIVING LONG-TERM DISABILITY BENEFITS UNDER THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO ALLOW THOSE PERSONS TO ATTEMPT A RETURN TO WORK WITHOUT BEING PENALIZED, AND TO EXTEND THE EFFECTIVE DATE OF CHANGES TO THE DISABILITY PLAN.

The bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 1237 (Senate 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.

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. 1289 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE FATALITIES AMONG NEW TEEN DRIVERS BY MAKING THE USE OF A MOBILE PHONE UNLAWFUL FOR A PERSON LESS THAN EIGHTEEN YEARS OF AGE AND WHO HOLDS A PROVISIONAL LICENSE WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY, AS RECOMMENDED BY THE NC CHILD FATALITY TASK FORCE.

Senator Bingham offers Amendment No. 1 which is adopted (42-5).

Senator Pittenger offers Amendment No. 2 which is adopted (27-19).

The Committee Substitute bill, as amended, passes its third reading (38-8) and is ordered engrossed and sent to the House of Representatives.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 329 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 329 on Wednesday, June 7, 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 Berger of Rockingham and Senator Lucas as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

WITHDRAWAL FROM COMMITTEE

S.B. 1596, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMUNITY CONSERVATION ASSISTANCE PROGRAM IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, referred to the **Agriculture/Environment/Natural Resources Committee** on May 18.

Pursuant to Rule 47(a), Senator Basnight 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 bill to the **Judiciary I Committee**.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns subject to reading of messages from the House of Representatives and in honor of Norma Mills, to meet Monday, June 12, at 7:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 1846 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LOWER THE THRESHOLD FROM ONE HUNDRED DOLLARS TO FIFTY DOLLARS FOR ACCEPTING A POLITICAL CONTRIBUTION IN

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CASH; TO REQUIRE THE REPORTING OF THE IDENTITY OF A CONTRIBUTOR WHO MAKES A CONTRIBUTION OF MORE THAN FIFTY DOLLARS BY MONEY ORDER; TO SPECIFY THE TIME PERIOD BY WHICH THE THRESHOLD FOR IDENTIFYING AN INDIVIDUAL CONTRIBUTOR'S IDENTITY IS MEASURED; TO ADD A PENALTY FOR ACCEPTING CONTRIBUTIONS FROM CERTAIN NONLEGAL SOURCES; AND TO BAR PROSECUTION IF BEST EFFORTS ARE MADE TO ENSURE THAT A CONTRIBUTION IS FROM A LEGAL SOURCE, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL REFORM.

Referred to the **Judiciary I Committee**.

H.B. 2000, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF MINT HILL TO AUTHORIZE THE TOWN TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

Referred to the **State & Local Government Committee**.

H.B. 2001, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF MATTHEWS AND MINT HILL.

Referred to the **State & Local Government Committee**.

H.B. 2077 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST PRIVATE PROVIDERS TO DELIVER MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND 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**.

H.B. 2097, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE PROPERTY TAX LAWS.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:03 P.M.

ONE HUNDRED FORTY-SEVENTH DAY

Senate Chamber
Monday, June 12, 2006

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, as we begin a new week, remind us that the greatest stumbling block to making a difference and getting things accomplished is not our exhaustive things to do list. We are masters at navigating such a list. Often what stops us in our tracks is unresolved issues between you and us--matters of the heart. We pause for a few moments of silence as an opportunity for you to hear each of our private petitions for reconciliation. Now let us proceed with confidence because if you are for us, who can be against us. Amen."

The Chair grants leaves of absence for tonight to Senator East and Senator Hagan.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, 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 Chair extends the privileges of the floor to Dr. Raynor Casey from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Gwen Waddell-Schultz from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1824, AN ACT TO ALLOW THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT TO PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE BIKEWALK VIRGINIA EVENT TO BE HELD IN HALIFAX COUNTY.

H.B. 1841, AN ACT TO INCREASE THE NUMBER OF MEMBERS ON THE SHELBY ABC BOARD.

H.B. 1863, AN ACT TO AUTHORIZE THE CITY OF MEBANE TO MAINTAIN SIDEWALKS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION.

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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:

S.B. 1208, AN ACT TO REPEAL THE SUNSET ON LOCAL GOVERNMENT OPTIONAL COVERAGE UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN. (Became law upon ratification, June 8, 2006 - S.L. 2006-7.)

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. 657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURANCE BROKERS TO DISCLOSE COMPENSATION ARRANGEMENTS TO CUSTOMERS, 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 70774, which changes the title upon concurrence to read **H.B. 657** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING INSURANCE RATE DEVIATIONS, is adopted and engrossed.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 1266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA NEW ORGANIZATIONAL VISION AWARD SPECIAL LICENSURE DESIGNATION, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

The Committee Substitute bill 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:

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Natalie Page Baker, Tarboro; Thomas Clinton Barker, Eden; Charles Richard Bond, Rutherfordton; Brittany G. Brinson, Durham; Kristen J. Brinson, Durham; Taylor Michelle Broome, Sutherlin, VA; Cameron Burroughs, Laurinburg; Candace Ashlyn Carter, Laurinburg; Sara Cashman, Hatteras; Brandon Cooke, Raleigh; Hannah Julia Daniels, Smithfield; Amanda Eason, Benson; Jenel Joyce Egerer, Wilmington; Austin Grant Fitzgerald, Raleigh; Courtney Nicole Frazelle, Kinston; Kelly Hall, Wilmington; Lindsey Cloninger Huckabee, Belmont; Meredith Hughes, Hayesville; Allison Carol Johnson, Coats; Donald A. Jones, Jr., Wake Forest; Iheatu Kanu, Raleigh; Adam S. Lanier, Tarboro; Klara E. Ledford, Franklin; Alexander R. Lindsey, Raleigh; Valerie C. Long, Rocky Mount; Phyllis Marshal, Nashville; Alice Miller, Greensboro; Grant Hall Morine, Wilmington; Dillon Mitchell Nance, Rutherfordton; Julian Quesada, Apex; Nicholas Sipes, Greensboro; Stephanie Candace Smith, Raleigh; Chapman Karlsson Thomas, Hendersonville; Taylor Warren, Raleigh and Laura West, Raleigh.

ADDITIONAL SPONSOR

Senator Snow requests to be added as a sponsor of previously introduced legislation:

S.B. 1630, A BILL TO BE ENTITLED AN ACT TO RAISE THE INCOME ELIGIBILITY AND EXCLUSION AMOUNTS FOR THE PROPERTY TAX HOMESTEAD EXCLUSION.

Upon motion of Senator Dannelly, seconded by Senator Atwater, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Tuesday, June 13, at 2:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 12, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 329**, A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, and requests conferees, Speaker Black appoints:

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Representative Michaux, Chair
Representative Cole, and
Representative McLawhorn

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 7:27 P.M.

ONE HUNDRED FORTY-EIGHTH DAY

Senate Chamber
Tuesday, June 13, 2006

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. William Terry, Retired Dean of Students at Davidson College, Davidson, North Carolina as follows:

"Eternal God who has commanded us to do justice, to live lives of justice, to practice kindness and to walk humbly with you, we ask your blessing on these your servants who have been chosen with the hope that they would legislate wisely on behalf of your people who inhabit our fair State. Reveal to them those qualities of your justice which require concern for the poor, the stranger and the powerless. Endow them the spirit of civility and cooperation in their dealing with colleagues, constituents and even those with whom they disagree, that by their practice they may practice a measure of kindness and that will enhance the general welfare of all the people. Deliver them from all pride and arrogance so they may be able to discern your will and the courage to do your will so that all our people may enjoy peace, prosperity and wholeness that you desire for your creation and all your children. For we do this in your holy name. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, June 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The Chair extends the privileges of the floor to Dr. B. Steven Bentsen from Wilmington, North Carolina, who is serving the Senate as Doctor of the Day, and to Lindsay Allen from Durham, 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. 1824, AN ACT TO ALLOW THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT TO PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE BIKEWALK VIRGINIA EVENT TO BE HELD IN HALIFAX COUNTY. (Became law upon ratification, June 12, 2006 - S.L. 2006-8.)

H.B. 1841, AN ACT TO INCREASE THE NUMBER OF MEMBERS ON THE SHELBY ABC BOARD. (Became law upon ratification, June 12, 2006 - S.L. 2006-9.)

H.B. 1863, AN ACT TO AUTHORIZE THE CITY OF MEBANE TO MAINTAIN SIDEWALKS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION. (Became law upon ratification, June 12, 2006 - S.L. 2006-10.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rand for the **Commerce 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, with a favorable report.

S.B. 1559, A BILL TO BE ENTITLED AN ACT TO PROMOTE CONSUMER CHOICE IN VIDEO SERVICE PROVIDERS AND TO ESTABLISH UNIFORM TAXES FOR VIDEO PROGRAMMING 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 35430, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.J.R. 1832, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE

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ENTITLED AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR MEMORIAL SERVICE, with a favorable report.

H.J.R. 1870, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO EXTEND THE PERIOD IN WHICH A LICENSE REMAINS IN EFFECT AFTER A PERSON LICENSED ON BEHALF OF A FIRM OR CORPORATION CEASES TO BE ASSOCIATED WITH THAT FIRM OR CORPORATION, with a favorable report.

H.J.R. 1982, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, 2006 REGULAR SESSION, TO CONSIDER "A BILL TO BE ENTITLED AN ACT RELATING TO THE FILING PERIOD FOR EMPLOYERS TO PROTEST UNEMPLOYMENT INSURANCE CLAIMS," with a favorable report.

H.J.R. 2038, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY REQUIRING FINGERPRINTS AND PHOTOGRAPHS BE TAKEN FOR MOTOR VEHICLE VIOLATIONS OF FAILING TO PRODUCE A LICENSE OR LEARNER'S PERMIT TO ANY LAW ENFORCEMENT OFFICER REQUESTING IT FOR LAWFUL PURPOSES PURSUANT TO G.S. 20-29, AND VIOLATIONS OF THE DRIVERS LICENSE AND LEARNER'S PERMIT PROVISIONS IN G.S. 20-30, with a favorable report.

H.J.R. 2341, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PREVENT A PERSON CONVICTED OF PASSING A STOPPED SCHOOL BUS FROM RECEIVING A PRAYER FOR JUDGMENT, with a favorable report.

H.J.R. 2852, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROTECT MILITARY VETERANS FROM IDENTITY THEFT, with a favorable report.

WITHDRAWAL FROM COMMITTEE

S.B. 1862, A BILL TO BE ENTITLED AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS, referred to the **Rules and Operations of the Senate Committee** on May 25.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

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The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the bill to the **Finance Committee**.

S.B. 1584, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO EXPEDITE THE ASSESSMENT AND CLEANUP OF DISCHARGES AND RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS AND TO FACILITATE THE TRANSITION TO RELIANCE ON PRIVATE INSURANCE, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO COVER INCREASED PROGRAM OPERATING COSTS AND THE COSTS OF ANY LEGISLATIVE SALARY INCREASE FOR PERSONNEL WHO ADMINISTER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, 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 re-referred to the **Agriculture/Environment/Natural Resources 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 **Appropriations/Base Budget Committee** and re-refers the bill to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1591, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, 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 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 bill to the **Agriculture/Environment/Natural Resources Committee**.

S.B. 1352, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WATERFRONT ACCESS STUDY COMMITTEE AND TO DIRECT THE COMMITTEE TO STUDY THE LOSS OF DIVERSITY OF USES ALONG THE COASTAL SHORELINE OF NORTH CAROLINA AND HOW THESE LOSSES IMPACT ACCESS TO THE PUBLIC TRUST WATERS OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, referred to the **Rules and Operations of the Senate Committee** on May 15.

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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 **Agriculture/Environment/Natural Resources Committee** and upon a favorable report 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 **Rules and Operations of the Senate Committee** and re-refers the bill to the **Agriculture/Environment/ Natural Resources Committee** and upon a favorable report re-referred to the **Rules and Operations of the Senate Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1928, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CLAYTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

Upon motion of Senator Smith, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 15.

H.B. 1898 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CORPORATE INCOME TAX ADJUSTMENTS INAPPLICABLE TO S CORPORATIONS.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 14.

H.B. 1915 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE STREAMLINED SALES TAX DEFINITIONS CONCERNING TELECOMMUNICATIONS, TO SIMPLIFY THE TAX PAYMENT REQUIREMENTS FOR SEMIMONTHLY TAXPAYERS, AND TO TREAT TANGIBLE PERSONAL PROPERTY USED IN MODULAR HOMES THE SAME AS TANGIBLE PERSONAL PROPERTY USED IN OTHER HOMES.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 14.

S.B. 1428 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, AND TO ALLOW AN ADVISORY REFERENDUM IN THE TOWN OF CLAYTON, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland,

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Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 14, upon third reading.

S.B. 1526, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF REIDSVILLE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Wednesday, June 14, upon third reading.

S.B. 1852, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MIDWAY, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Wednesday, June 14, upon third reading.

S.B. 1905, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell,

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Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Wednesday, June 14, upon third reading.

S.B. 1804 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF TRYON AND BOILING SPRINGS TO LEVY A ROOM OCCUPANCY TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—43.

Voting in the negative: Senators Brock, East, Forrester, Garrou, Pittenger, Presnell and Webster—7.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 14, upon third reading.

S.B. 1185, 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.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1328 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SALUDA AND THE TOWN OF FAISON TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE CITY.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1734, A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF HARRISBURG.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 2011, A BILL TO BE ENTITLED AN ACT TO ALLOW UTILITIES THE SAME TREATMENT AS INTERSTATE CARRIERS WITH RESPECT TO THE SALES AND USE TAXES IMPOSED ON RAILWAY CARS, upon second reading.

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The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Wednesday, June 14, upon third reading.

H.B. 1892, 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 AND TO MAKE OTHER CHANGES TO MORE CLOSELY CONFORM TO FEDERAL TAX LAW, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Wednesday, June 14, upon third reading.

S.B. 1372, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY COLLECT PROPERTY TAXES FOR CERTAIN NEWLY ANNEXED PROPERTY OVER A THREE-YEAR PERIOD AND DELAY THE ACCRUAL OF INTEREST ACCORDINGLY.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable William H. Barker, former Senator from Pamlico County.

CALENDAR *(continued)*

S.B. 1451, A BILL TO BE ENTITLED AN ACT TO ENFORCE COLLECTION OF PROPERTY TAXES ON REAL PROPERTY AGAINST THE

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RECORD OWNER AS OF THE DATE THE TAXES BECOME DELINQUENT AND TO CODIFY THE PRORATION OF TAXES ON REAL PROPERTY.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

H.B. 657 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING INSURANCE RATE DEVIATIONS.

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

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** on May 26, 2005.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for tomorrow, Wednesday, June 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 tomorrow, Wednesday, June 14.

CALENDAR (*continued*)

H.B. 1938, A BILL TO BE ENTITLED AN ACT TO TREAT COMMERCIAL LOGGING MACHINERY THE SAME AS FARM MACHINERY UNDER THE SALES TAX.

The bill passes its second (48-1) and third readings and is ordered enrolled and sent to the Governor.

APPOINTMENT OF CONFERENCE COMMITTEE

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.

Pursuant to the message from the House of Representatives received Tuesday, August 30, 2005, that the House fails to concur in the Senate Committee Substitute bill for H.B. 327 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair, 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.

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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 Senators Rand, Dannelly, Kerr; Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein:

S.J.R. 2058, A JOINT RESOLUTION HONORING NORTH CAROLINA'S VETERANS DURING THE OBSERVANCE OF FLAG DAY.

The joint resolution is placed on the Calendar for tomorrow, Wednesday, June 14.

Upon motion of Senator Basnight, seconded by Senator Snow, the Senate adjourns at 2:46 P.M. to meet tomorrow, Wednesday, June 14, at 2:00 P.M.

ONE HUNDRED FORTY-NINTH DAY

Senate Chamber
Wednesday, June 14, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Dr. William A. Slater, Pastor of Wake Forest Baptist Church, Wake Forest, North Carolina as follows:

"O God, our help in ages past, our hope for years to come. We pause to remember that this is the day you have made, and so let us not only rejoice and give thanks in it, let us be faithful to it. Surprise all who are gathered here with a divine sense of purpose and power that allows them to live out your dream for them, that they be the very best version of themselves. For this day, may it be, that when all is said and done more will be done than said. In your name we pray. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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.

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The Chair extends the privileges of the floor to Dr. William Brown from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Linda Allen from Four Oaks, North Carolina, who is serving the Senate as Nurse of the Day.

THE NATIONAL ANTHEM

Upon motion of Senator Basnight, privileges of the floor are extended to Michael Adelman, a recent graduate of North Carolina State University, who sings the National Anthem in honor of Flag Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 1378, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE FORFEITURE OF PROPERTY RIGHTS BY SLAYERS, 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 75540, is adopted and engrossed.

H.B. 1432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING CERTIFICATIONS BY REGISTERS OF DEEDS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60830, which changes the title upon concurrence to read **H.B. 1432** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, AND TO MAKE OTHER CONFORMING CHANGES, is adopted and engrossed.

By Senator Holloman for the **State & Local Government Committee**:

S.B. 1199, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, with a favorable report.

S.B. 1442, A BILL TO BE ENTITLED AN ACT REPEALING THE LOCAL MODIFICATIONS OF G.S. 153A-335 PERTAINING TO THE REGULATION OF SUBDIVISIONS IN RUTHERFORD COUNTY AND THEREBY SUBJECTING THE COUNTY TO FULL APPLICATION OF THE GENERAL LAW, with a favorable report.

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S.B. 1666, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF SUNSET BEACH TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF CONSTRUCTING SEWAGE COLLECTION AND TREATMENT FACILITIES PRIOR TO THE CONSTRUCTION OF THE FACILITIES, with a favorable report.

S.B. 1810, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF FARMVILLE, with a favorable report.

S.B. 1877, A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES IN THE JACKSON COUNTY AIRPORT AUTHORITY, with a favorable report.

S.B. 1887, A BILL TO BE ENTITLED AN ACT EXEMPTING NEW HANOVER REGIONAL MEDICAL CENTER FROM ALL STATUTORY REQUIREMENTS GOVERNING PUBLIC CONTRACTING, with a favorable report.

H.B. 2000, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF MINT HILL TO AUTHORIZE THE TOWN TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, with a favorable report.

H.B. 2001, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF MATTHEWS AND MINT HILL, with a favorable report.

By Senator Lucas for the **Education/Higher Education 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, 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 80659, which changes the title upon concurrence to read **H.B. 677** (Senate Committee Substitute), 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 AND TO MAKE A TECHNICAL CHANGE, is adopted and engrossed.

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, 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 50737, which changes the title upon concurrence to read **H.B. 836** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PROGRAMS FOR USE IN SCHOOLS ON THE MEANING AND IMPORTANCE OF MEMORIAL DAY, 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.

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, 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 70777, is adopted and engrossed.

Upon motion of Senator Lucas, the Senate Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 1688, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA REAL ESTATE COMMISSION TO REMOVE THE TEN PERCENT CEILING ON ITS EXPENSE RESERVE FUND UNDER THE REAL ESTATE LICENSING LAWS, referred to the **Appropriations/Base Budget Committee** on June 8.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for tomorrow, Thursday, June 15, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for tomorrow, Thursday, June 15.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 1428 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, AND TO ALLOW AN ADVISORY REFERENDUM IN THE TOWN OF CLAYTON, upon third reading.

Senator Smith offers Amendment No. 1 which is adopted (50-0).

The amendment is ruled to be material, which constitutes first reading.

The Committee Substitute bill, as amended, is placed on the Calendar for tomorrow, Thursday, June 15, upon second reading.

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S.B. 1526, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF REIDSVILLE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1852, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MIDWAY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1905, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1804 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF TRYON AND BOILING SPRINGS TO LEVY A ROOM OCCUPANCY TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, 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, Bland, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—44.

Voting in the negative: Senators Brock, East, Forrester, Pittenger, Presnell and Webster—6.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 1882 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN GREENE COUNTY AND TO REQUIRE WRITTEN PERMISSION BEFORE HUNTING ON THE POSTED LANDS OF ANOTHER IN GREENE COUNTY.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled.

S.B. 2011, A BILL TO BE ENTITLED AN ACT TO ALLOW UTILITIES THE SAME TREATMENT AS INTERSTATE CARRIERS WITH RESPECT TO THE SALES AND USE TAXES IMPOSED ON RAILWAY CARS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 1892, 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 AND TO MAKE OTHER CHANGES TO MORE CLOSELY CONFORM TO FEDERAL TAX LAW, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor.

June 14, 2006

H.B. 1898 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CORPORATE INCOME TAX ADJUSTMENTS INAPPLICABLE TO S CORPORATIONS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, 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, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, June 15, upon third reading.

H.B. 1915 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE STREAMLINED SALES TAX DEFINITIONS CONCERNING TELECOMMUNICATIONS, TO SIMPLIFY THE TAX PAYMENT REQUIREMENTS FOR SEMIMONTHLY TAXPAYERS, AND TO TREAT TANGIBLE PERSONAL PROPERTY USED IN MODULAR HOMES THE SAME AS TANGIBLE PERSONAL PROPERTY USED IN OTHER HOMES, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, 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, Tillman and Weinstein—48.

Voting in the negative: Senators East and Webster—2.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Thursday, June 15, upon third reading.

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 Senators Rand, and Kerr:

S.R. 2059, A SENATE RESOLUTION HONORING THE UNITED STATES MILITARY AND THE UNITED STATES AIR FORCE RHYTHM IN BLUE JAZZ ENSEMBLE.

With unanimous consent, 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*)

S.J.R. 1832, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR MEMORIAL SERVICE.

The joint resolution passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

H.J.R. 1019, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TROUTMAN ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

The joint resolution passes its second (50-0) and third readings and is ordered enrolled.

H.J.R. 1870, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO EXTEND THE PERIOD IN WHICH A LICENSE REMAINS IN EFFECT AFTER A PERSON LICENSED ON BEHALF OF A FIRM OR CORPORATION CEASES TO BE ASSOCIATED WITH THAT FIRM OR CORPORATION.

The joint resolution passes its second (50-0) and third readings and is ordered enrolled.

H.J.R. 1982, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, 2006 REGULAR SESSION, TO CONSIDER "A BILL TO BE ENTITLED AN ACT RELATING TO THE FILING PERIOD FOR EMPLOYERS TO PROTEST UNEMPLOYMENT INSURANCE CLAIMS."

The joint resolution passes its second (50-0) and third readings and is ordered enrolled.

H.J.R. 2038, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY REQUIRING FINGERPRINTS AND PHOTOGRAPHS BE TAKEN FOR MOTOR VEHICLE VIOLATIONS OF FAILING TO PRODUCE A LICENSE OR LEARNER'S PERMIT TO ANY LAW ENFORCEMENT OFFICER REQUESTING IT FOR LAWFUL PURPOSES PURSUANT TO G.S. 20-29, AND VIOLATIONS OF THE DRIVERS LICENSE AND LEARNER'S PERMIT PROVISIONS IN G.S. 20-30.

The joint resolution passes its second (50-0) and third readings and is ordered enrolled.

H.J.R. 2341, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE

ENTITLED AN ACT TO PREVENT A PERSON CONVICTED OF PASSING A STOPPED SCHOOL BUS FROM RECEIVING A PRAYER FOR JUDGMENT.

The joint resolution passes its second (50-0) and third readings and is ordered enrolled.

H.J.R. 2852, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROTECT MILITARY VETERANS FROM IDENTITY THEFT.

The joint resolution passes its second (50-0) and third readings 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. 2878, A JOINT RESOLUTION HONORING NORTH CAROLINA'S VETERANS DURING THE OBSERVANCE OF FLAG DAY.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

CALENDAR *(continued)*

S.J.R. 2058, A JOINT RESOLUTION HONORING NORTH CAROLINA'S VETERANS DURING THE OBSERVANCE OF FLAG DAY.

Upon motion of Senator Rand, the joint resolution is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 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.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 836 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PROGRAMS FOR USE IN SCHOOLS ON THE MEANING AND IMPORTANCE OF MEMORIAL DAY, placed earlier 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, for concurrence in the Senate Committee Substitute bill.

S.R. 2059, A SENATE RESOLUTION HONORING THE UNITED STATES MILITARY AND THE UNITED STATES AIR FORCE RHYTHM IN BLUE JAZZ ENSEMBLE, placed earlier on today's Calendar for adoption.

Upon motion of Senator Rand the Senate Resolution is adopted (49-0).

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H.J.R. 2878, A JOINT RESOLUTION HONORING NORTH CAROLINA'S VETERANS DURING THE OBSERVANCE OF FLAG DAY, placed earlier on today's Calendar.

Upon motion of Senator Rand, 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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

S.B. 1487, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE 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 AS A DENTAL HYGIENIST, AND AUTHORIZING THE BOARD TO CHARGE THE ACTUAL COST OF THE THIRD-PARTY TESTING SERVICE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65607, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance 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, 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 80660, which changes the title upon concurrence to read **H.B. 1343** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO EXTEND THE PERIOD IN WHICH A PERSON MAY RENEW AN INTERN PERMIT UNDER THE LAWS REGULATING THE PRACTICE OF DENTISTRY, is adopted and engrossed.

H.B. 2120, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OVERSIGHT ROLE OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; TO REPEAL THE LEGISLATIVE STUDY COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; TO DIRECT THE OVERSIGHT COMMITTEE TO STUDY CERTAIN ISSUES; AND TO MAKE

A RECOMMENDATION REGARDING INCREASING HEALTH CARE COVERAGE TO INCLUDE MENTAL HEALTH AND 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 Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10625, is adopted and engrossed.

H.B. 1133 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL RECORDS CHECKS FOR COUNTY GOVERNMENTS, 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 70778, which changes the title to read **H.B. 1133** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE ALL AREAS OF ANY BUILDING OCCUPIED BY THE GENERAL ASSEMBLY AS NONSMOKING AREAS, is adopted and engrossed.

APPOINTMENT OF CONFERENCE 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 OCRACOKE 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.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 339 on Monday, June 5, and the motion by Senator Kerr to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Kerr, Chair; Senator Holloman; Senator Hoyle; 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.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1938, AN ACT TO TREAT COMMERCIAL LOGGING MACHINERY THE SAME AS FARM MACHINERY UNDER THE SALES TAX.

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ADDITIONAL SPONSOR

Senator Shaw requests to be added as a sponsor of previously introduced legislation:

S.B. 1907, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE NEEDS REGARDING LAND CONSERVATION, WATER QUALITY PROTECTION, HISTORIC PRESERVATION, AND JOB CREATION.

Upon motion of Senator Basnight, seconded by all members of the Senate, the Senate adjourns in honor of all veterans and subject to introduction of bills and reading of messages from the House of Representatives, to meet tomorrow, Thursday, June 15, at 11:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Lucas; Atwater, Dannelly and Dorsett:

S.J.R. 2057, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN CLARENCE "J.C." SCARBOROUGH, SR., BUSINESS OWNER, HUMANITARIAN, AND CIVIC LEADER.

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. 770 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOR AN INCOME TAX DEDUCTION FOR CERTAIN CONTRIBUTIONS TO THE PARENTAL SAVINGS TRUST FUND.

Referred to the **Finance Committee**.

H.B. 1881, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF PINK HILL.

Referred to the **Finance Committee**.

H.B. 1913 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF RED CROSS.

Referred to the **Finance Committee**.

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H.B. 1963 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES AND TO IMPROVE THE COLLECTION AND ADMINISTRATION OF THE MOTOR FUEL TAX.

Referred to the **Finance Committee**.

H.B. 1989 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF PRINCETON AND SMITHFIELD.

Referred to the **Finance Committee**.

H.B. 1992 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTIES TO THE CORPORATE BOUNDARIES OF THE TOWN OF SHALLOTTE.

Referred to the **Finance Committee**.

H.B. 2027 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF BENSON, CASWELL BEACH AND TABOR CITY TO REGULATE GOLF CARTS.

Referred to the **State & Local Government Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:41 P.M.

ONE HUNDRED FIFTIETH DAY

Senate Chamber
Thursday, June 15, 2006

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, yesterday when the heavens opened and much needed rain fell here in Raleigh and around the State, I thought about my Granddaddy. He was a deeply religious man who prayed about almost everything, but when there was a drought and his crops needed rain, he would also hang a dead snake over the fence near the garden. I don't know how many generations had taught him that it would help. I guess it's all right for us to have a superstition or two in us as long as we remember that, even when it's more than we bargained for when the rains come to end a drought. The earth is your magnificent garden, O God, and it is you who is doing the watering. Amen."

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The Chair grants leaves of absence for today to Senator Berger of Franklin, Senator Blake and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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 Chair extends the privileges of the floor to Rachel Manriquez from Fuquay-Varina, North Carolina, who is serving the Senate as Nurse of the Day.

Upon motion of Senator Albertson, the President extends the courtesies of the gallery to the rising high school seniors from across the State who are attending the Institute for Future Agricultural Leaders jointly hosted by North Carolina State University and North Carolina Farm Bureau.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS, with a favorable report.

H.B. 1806, A BILL TO BE ENTITLED AN ACT TO ADD TYRRELL COUNTY TO THE LIST OF COUNTIES WHERE THE BOARD OF COMMISSIONERS MAY REQUIRE THE REGISTER OF DEEDS TO HAVE A CERTIFICATION THAT NO TAXES ARE DUE ON REAL PROPERTY BEFORE ACCEPTING FOR REGISTRATION A DEED TRANSFERRING OWNERSHIP OF THAT PROPERTY, with a favorable report.

S.B. 1621, A BILL TO BE ENTITLED AN ACT TO REVISE THE WAGE STANDARD UNDER THE BILL LEE ACT FOR CERTAIN TEXTILE MANUFACTURERS WHOSE BUSINESS UTILIZES A CONTINUOUS MANUFACTURING PROCESS IN SEPARATE 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 55497, which changes the title to read **S.B. 1621** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE WAGE STANDARD UNDER THE BILL LEE ACT FOR CERTAIN MANUFACTURERS WHOSE BUSINESS UTILIZES A SEQUENTIAL MANUFACTURING PROCESS IN SEPARATE FACILITIES, is adopted and engrossed.

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S.B. 1862, A BILL TO BE ENTITLED AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55496, which changes the title to read **S.B. 1862** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENTS, is adopted and engrossed.

S.B. 1892, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CAPITAL FACILITIES COSTS OF A PURCHASE OF LAND BY 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 85471, which changes the title to read **S.B. 1892** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CAPITAL FACILITIES COSTS OF A PURCHASE OF LAND BY THE WILDLIFE RESOURCES COMMISSION AND TO FINANCE THE CAPITAL FACILITY COSTS OF STALL BARNES AT THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER, is adopted and engrossed.

H.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR REVITALIZATION OF HISTORIC MILL FACILITIES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70779, which changes the title to read **H.B. 474** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR REVITALIZATION OF HISTORIC MILL FACILITIES AND TO PROVIDE AN ENHANCED HISTORIC REHABILITATION CREDIT FOR REHABILITATION EXPENSES WITH RESPECT TO A FACILITY THAT WAS ONCE A STATE-OWNED TRAINING SCHOOL FOR JUVENILE OFFENDERS, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 818, AN ACT RELATING TO THE CURRENT STATUS OF DRIVERS AS EMPLOYEES OR INDEPENDENT CONTRACTORS UNDER THE WORKERS' COMPENSATION ACT.

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H.B. 1892, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS AND TO MAKE OTHER CHANGES TO MORE CLOSELY CONFORM TO FEDERAL TAX LAW.

The Enrolling Clerk reports the following bill and resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1882, AN ACT TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN GREENE COUNTY AND TO REQUIRE WRITTEN PERMISSION BEFORE HUNTING ON THE POSTED LANDS OF ANOTHER IN GREENE COUNTY.

H.J.R. 1019, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF TROUTMAN ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY. (Res. 4)

H.J.R. 1870, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO EXTEND THE PERIOD IN WHICH A LICENSE REMAINS IN EFFECT AFTER A PERSON LICENSED ON BEHALF OF A FIRM OR CORPORATION CEASES TO BE ASSOCIATED WITH THAT FIRM OR CORPORATION. (Res. 5)

H.J.R. 1982, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, 2006 REGULAR SESSION, TO CONSIDER "A BILL TO BE ENTITLED AN ACT RELATING TO THE FILING PERIOD FOR EMPLOYERS TO PROTEST UNEMPLOYMENT INSURANCE CLAIMS." (Res. 6)

H.J.R. 2038, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY REQUIRING FINGERPRINTS AND PHOTOGRAPHS BE TAKEN FOR MOTOR VEHICLE VIOLATIONS OF FAILING TO PRODUCE A LICENSE OR LEARNER'S PERMIT TO ANY LAW ENFORCEMENT OFFICER REQUESTING IT FOR LAWFUL PURPOSES PURSUANT TO G.S. 20-29, AND VIOLATIONS OF THE DRIVERS LICENSE AND LEARNER'S PERMIT PROVISIONS IN G.S. 20-30. (Res. 7)

H.J.R. 2341, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PREVENT A PERSON CONVICTED OF PASSING A STOPPED SCHOOL BUS FROM RECEIVING A PRAYER FOR JUDGMENT. (Res. 8)

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H.J.R. 2852, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROTECT MILITARY VETERANS FROM IDENTITY THEFT. (Res. 9)

H.J.R. 2878, A JOINT RESOLUTION HONORING NORTH CAROLINA'S VETERANS DURING THE OBSERVANCE OF FLAG DAY. (Res. 10)

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. 1377, AN ACT TO AMEND THE TRANSITION PROVISIONS OF ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO RESOLVE A TIME-SENSITIVE PROBLEM REGARDING THE EFFECTIVENESS OF CERTAIN FINANCING STATEMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, June 14, 2006 - S.L. 2006-11.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2877 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF IDA ELIZABETH INMAN CAMERON, FORMER TEACHER AND CIVIC LEADER.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

Upon motion of Senator Rand, the joint resolution is read in its entirety and upon motion of Senator Dannelly, the remarks of the members are spread upon the Journal, as follows:

Senator Dorsett:

"Thank you, Madame President. I am pleased to also see that members of Alpha Kappa Alpha Sorority are here today to witness this resolution. I did not know Mrs. Cameron personally, but she served for over fifty years in the sorority of which I'm a part. She was originally from Lumberton, North Carolina but spent most of her life in Washington, D.C. Mrs. Cameron was quite versatile as you heard from the reading of the resolution. She taught science and home economics and certainly she was a basketball coach. She was an educator who spent most of her time in Washington, D.C. and was very active in that community serving as a member of the Mayor's Advisory Committee, appointed by Mayor Marion Berry. She founded an organization, the Matron's Guild of Lumberton, and she was very active with that until 1995. A very important part of her life she spent with Alpha Kappa Alpha Sorority, Xi

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Omega Chapter, and she was recognized for fifty years of achievement. She was also awarded the Master Teacher Award in Washington D.C. by the Junior Citizens Corps. Mrs. Cameron was very devoted to her family, had a very active life and certainly I hope that you will support the resolution and join my AKA Sorority in honoring her memory. Thank You.”

Senator Weinstein:

“Like Senator Dorsett, I did not know Elizabeth Cameron personally, but in this life what I look to do is what Elizabeth Cameron did and that is to leave your footprints in the sands of time, and that is what Mrs. Cameron did. I’m familiar with Matron’s Guild in Lumberton. When she left, she trained some leadership to leave behind so that the Matron’s Guild would be successful and there are ladies in this Matron’s Guild that I know personally that have done wonderful things for Lumberton and Robeson County. There are just a few that I would like to name that members of the audience would know or remember and that is Mrs. Mamie Pope, Mrs. Nevella Whitted, Mrs. Annie Gavin, Bonnie T. McNeill, Callie Taylor, Lallian Thompson, and Mrs. Pazava Thompson. I knew all of these ladies very well growing up and somebody had to influence them to be leaders in the community and from what I’ve read from Elizabeth Cameron’s biography, she was that lady who had a big influence in the lives of these women. And today Madame President, if I may, I would like to recognize the members of the Matron’s Guild, if they would stand up, and also some of the family of the late Ida Cameron, if they would stand up please. We thank you for being here. I urge the adoption of the resolution. Thank you.”

The joint resolution passes its second reading (47-0) and third reading with members standing and is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Holloman for the **State & Local Government Committee:**

S.B. 1217, A BILL TO BE ENTITLED AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE BEACH AND TO ALLOW EXCEPTIONS TO THE HEIGHT LIMIT UPON APPROVAL BY REFERENDUM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75541, which changes the title to read **S.B. 1217** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE BEACH, is adopted and engrossed.

S.B. 1433, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO MOVE ITS ALCOHOLIC BEVERAGE

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CONTROL STORE TO A NEW LOCATION WITHIN THE CORPORATE LIMITS OF THE TOWN AND TO MOVE WITHIN SEVEN MILES OF ANOTHER ABC STORE IN BRUNSWICK 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 35431, is adopted and engrossed.

S.B. 1857, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GRANTING STATE RECOGNITION TO THE HALIWA-SAPONI TRIBE 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 55495, is adopted and engrossed.

S.B. 1865, A BILL TO BE ENTITLED AN ACT TO ALLOW RESIDENTS OF OTHER COUNTIES OR STATES WHO ATTENDED CHEROKEE COUNTY SCHOOLS IN THE 2005-2006 YEAR TO CONTINUE ATTENDANCE WITHOUT PAYMENT OF 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 55494, is adopted and engrossed.

Upon motion of Senator Rand the rules are suspended and the bill is placed on today's Calendar.

S.B. 1933, A BILL TO BE ENTITLED AN ACT TO ADAPT THE INSTALLATION DATE OF NEWLY ELECTED MEMBERS OF THE NASH-ROCKY MOUNT BOARD OF EDUCATION TO THE RECENTLY ENACTED LATER DATE FOR THE ELECTION CANVASS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65606, which changes the title to read **S.B. 1933** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADAPT THE INSTALLATION DATE OF NEWLY ELECTED MEMBERS OF THE NASH-ROCKY MOUNT BOARD OF EDUCATION TO THE RECENTLY ENACTED LATER DATE FOR THE ELECTION CANVASS, AND PROVIDING FOR ELECTIONS OF THE BOARD OF TRUSTEES FOR ROANOKE RAPIDS GRADED SCHOOL DISTRICT, is adopted and engrossed.

H.B. 2273 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON PUBLIC STREETS AND HIGHWAYS IN CURRITUCK COUNTY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50738, is adopted and engrossed.

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CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1928, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CLAYTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

Senator Smith offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1428 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, AND TO ALLOW AN ADVISORY REFERENDUM IN THE TOWN OF CLAYTON, as amended by a material amendment on June 14, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Rockingham, Bingham, Bland, Boseman, Brock, Brown, Brunstetter, 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, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 19, upon third reading.

S.B. 1666, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF SUNSET BEACH TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF CONSTRUCTING SEWAGE COLLECTION AND TREATMENT FACILITIES PRIOR TO THE CONSTRUCTION OF THE FACILITIES, 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 Rockingham, Bingham, Bland, Boseman, Brock, Brown, Brunstetter, 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, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 19, upon third reading.

S.B. 1199, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

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S.B. 1442, A BILL TO BE ENTITLED AN ACT REPEALING THE LOCAL MODIFICATIONS OF G.S. 153A-335 PERTAINING TO THE REGULATION OF SUBDIVISIONS IN RUTHERFORD COUNTY AND THEREBY SUBJECTING THE COUNTY TO FULL APPLICATION OF THE GENERAL LAW.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1810, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF FARMVILLE.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1877, A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES IN THE JACKSON COUNTY AIRPORT AUTHORITY.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 2000, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF MINT HILL TO AUTHORIZE THE TOWN 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. 2001, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF MATTHEWS AND MINT HILL.

The bill passes its second and third readings and is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 2527 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RESIDENTS OF OTHER COUNTIES OR STATES WHO ATTENDED CHEROKEE COUNTY SCHOOLS IN THE 2005-2006 YEAR TO CONTINUE ATTENDANCE WITHOUT PAYMENT OF TUITION.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

S.B. 1865 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RESIDENTS OF OTHER COUNTIES OR STATES WHO ATTENDED CHEROKEE COUNTY SCHOOLS IN THE 2005-2006 YEAR TO CONTINUE ATTENDANCE WITHOUT PAYMENT OF TUITION, placed earlier on today's Calendar.

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Upon motion of Senator Rand, the Committee Substitute bill 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:

S.B. 1741 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005; TO SET THE PUBLIC UTILITIES REGULATORY FEE AND THE INSURANCE REGULATORY CHARGE; TO AUTHORIZE A PRIVATE WELL-WATER TESTING FEE; TO CLARIFY FEES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICE FACILITIES; TO MAKE A TECHNICAL CORRECTION TO THE LICENSURE FEE CAP FOR REVIEW OF HEALTH CARE FACILITY CONSTRUCTION PROJECTS; TO REPEAL THE FEE FOR MINE SAFETY EDUCATION/TRAINING PROGRAMS; TO INCREASE THE PUBLIC WATER SYSTEMS ANNUAL OPERATING PERMIT FEES; TO IMPOSE PUBLIC WATER SYSTEM PLAN REVIEW FEES; TO LOWER THE STATE SALES AND USE TAX BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE JANUARY 1, 2007; TO LOWER THE UPPER INCOME TAX RATE BY ONE-EIGHTH PERCENTAGE POINT EFFECTIVE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2007; TO PROVIDE FOR A HEALTH INSURANCE TAX CREDIT CAPPED AT \$200 PER ELIGIBLE EMPLOYEE; TO EXPAND THE DEFINITION OF A DEVELOPMENT ZONE TO INCLUDE AN ECONOMIC DEVELOPMENT AND TRAINING DISTRICT; TO EXTEND THE SUNSET ON AVIATION FUEL SOLD TO MOTORSPORTS RACING TEAMS; TO ENHANCE THE TAX BENEFITS RELATING TO ETHYL ALCOHOL AND BIODIESEL; TO PROVIDE FOR A SALES AND USE TAX BENEFIT FOR RESEARCH AND DEVELOPMENT COMPANIES; AND TO ELIMINATE SALES AND USE TAX REFUNDS FOR PURCHASES OF ALCOHOLIC BEVERAGES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Upon motion of Senator Garrou, the Senate fails to concur in the House Committee Substitute bill (0-47).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR *(continued)*

S.B. 1210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MANDATE THAT CHILDREN ENTERING KINDERGARTEN OBTAIN A COMPREHENSIVE EYE EXAMINATION, THE GOVERNOR'S

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VISION CARE PROGRAM, AND THE GOVERNOR'S COMMISSION ON EARLY CHILDHOOD VISION CARE; AND TO PROVIDE THAT FUNDS APPROPRIATED TO THE RESERVE FOR THE GOVERNOR'S VISION CARE PROGRAM SHALL REVERT TO THE GENERAL FUND.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 22.

WITHDRAWAL FROM COMMITTEE

H.B. 1610 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT, referred to the **State & Local Government Committee** on May 9.

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 bill withdrawn from the **State & Local Government Committee** and re-refers the bill to the **Rules and Operations of the Senate Committee**.

H.B. 447 (Senate 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 **Appropriations/Base Budget Committee** on June 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Monday, June 19, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Monday, June 19.

S.B. 1361, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF UNION, referred to the **Rules and Operations of the Senate Committee** on May 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 bill to the **State & Local Government Committee**.

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CALENDAR (*continued*)

S.B. 1887, A BILL TO BE ENTITLED AN ACT EXEMPTING NEW HANOVER REGIONAL MEDICAL CENTER FROM ALL STATUTORY REQUIREMENTS GOVERNING PUBLIC CONTRACTING.

Senator Boseman offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its second (46-1) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 1898 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CORPORATE INCOME TAX ADJUSTMENTS INAPPLICABLE TO S CORPORATIONS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Rockingham, Bingham, Bland, Boseman, Brock, Brown, Brunstetter, 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, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

H.B. 1915 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE STREAMLINED SALES TAX DEFINITIONS CONCERNING TELECOMMUNICATIONS, TO SIMPLIFY THE TAX PAYMENT REQUIREMENTS FOR SEMIMONTHLY TAXPAYERS, AND TO TREAT TANGIBLE PERSONAL PROPERTY USED IN MODULAR HOMES THE SAME AS TANGIBLE PERSONAL PROPERTY USED IN OTHER HOMES, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Rockingham, Bingham, Bland, Boseman, Brock, Brown, Brunstetter, 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, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—46.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 1378 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE FORFEITURE OF PROPERTY RIGHTS BY SLAYERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1688, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA REAL ESTATE COMMISSION TO REMOVE THE TEN PERCENT CEILING ON ITS EXPENSE RESERVE FUND UNDER THE REAL ESTATE LICENSING LAWS.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 677 (Senate Committee Substitute), 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 AND TO MAKE A TECHNICAL CHANGE.

The Senate Committee Substitute bill passes its second (42-5) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1133 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE ALL AREAS OF ANY BUILDING OCCUPIED BY THE GENERAL ASSEMBLY AS NONSMOKING AREAS.

Senator Webster offers Amendment No. 1 which fails of adoption (11-36).

The Senate Committee Substitute bill passes its second reading (45-2).

Senator Webster objects to third reading of the bill. Pursuant to Rule 50, the President orders the bill placed on the Calendar for Monday, June 19, upon third reading.

H.B. 1343 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO EXTEND THE PERIOD IN WHICH A PERSON MAY RENEW AN INTERN PERMIT UNDER THE LAWS REGULATING THE PRACTICE OF DENTISTRY.

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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1242, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO ESTABLISH GEAR SPECIFIC PERMITS TO TAKE STRIPED BASS FROM THE ATLANTIC OCEAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with a favorable report.

Upon motion of Senator Albertson, the bill is re-referred to the **Finance Committee**.

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S.B. 1591, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 1352, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WATERFRONT ACCESS STUDY COMMITTEE AND TO DIRECT THE COMMITTEE TO STUDY THE LOSS OF DIVERSITY OF USES ALONG THE COASTAL SHORELINE OF NORTH CAROLINA AND HOW THESE LOSSES IMPACT ACCESS TO THE PUBLIC TRUST WATERS OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15413, is adopted and engrossed.

H.B. 1413, 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 Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30602, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR *(continued)*

H.B. 1432 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, AND TO MAKE OTHER CONFORMING CHANGES.

The Senate Committee Substitute bill passes its second reading (47-0).

Senator Hartsell objects to third reading of the bill. Pursuant to Rule 50, the President orders the bill placed on the Calendar for Monday, June 19, upon third reading.

H.B. 2120 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OVERSIGHT ROLE OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; TO REPEAL THE LEGISLATIVE STUDY COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; TO DIRECT THE OVERSIGHT COMMITTEE TO STUDY CERTAIN ISSUES; AND TO MAKE A RECOMMENDATION REGARDING

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INCREASING HEALTH CARE COVERAGE TO INCLUDE MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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. 2527 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RESIDENTS OF OTHER COUNTIES OR STATES WHO ATTENDED CHEROKEE COUNTY SCHOOLS IN THE 2005-2006 YEAR TO CONTINUE ATTENDANCE WITHOUT PAYMENT OF TUITION, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (46-1) and third readings and is ordered enrolled.

APPOINTMENT OF ADDITIONAL CONFEREE

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.

Senator Dannelly, Deputy President *Pro Tempore*, announces that Senator East is removed as a conferee and Senator Apodaca is appointed as a conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns at 12:37 P.M. in memory of former Senator Jim Speed who passed away on June 14, to meet Monday, June 19, at 7:00 P.M.

June 15, 2006

ONE HUNDRED FIFTY-FIRST DAY

Senate Chamber
Monday, June 19, 2006

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 Trey Davis, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

"Dear God, we are grateful for the chance to come together tonight. We are grateful that each of us has different talents and different skills, that no two of your children are exactly alike. We cherish our individualness, our own space, our own roles, our own identities. Similarly, we know and appreciate that we have the ability to work together and to complement each other and that by combining our gifts we might achieve a greater, common good. We recognize that much more can be accomplished when we not only strive to contribute our fair share but also are willing to rely on others.

"Help us to see our own strengths and weaknesses. Help us to be confident in our strengths rather than arrogant. Cause our talents to grow and mature, never stagnant but always developing. Help us to admit our faults, especially when it is tempting to wear a proud facade. Help us to own up to our mistakes and recognize that no one wins when we cling to ideas or practices that have outlived their usefulness. In this, may we all find modesty and humility and may those traits lead us to seek what is best for all.

"Mostly, we pray, help us to come together, individuals who benefit from the gifts of the group. We ask this in your name, Amen."

The Chair grants leaves of absence for tonight to Senator Allran, Senator Berger of Rockingham, Senator Jenkins and Senator Shaw.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, 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 Chair extends the privileges of the floor to Dr. Elizabeth Kanof 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.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 1892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE

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THE CAPITAL FACILITIES COSTS OF A PURCHASE OF LAND BY THE WILDLIFE RESOURCES COMMISSION AND TO FINANCE THE CAPITAL FACILITY COSTS OF STALL BARNs AT THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, June 21.

H.B. 474 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR REVITALIZATION OF HISTORIC MILL FACILITIES AND TO PROVIDE AN ENHANCED HISTORIC REHABILITATION CREDIT FOR REHABILITATION EXPENSES WITH RESPECT TO A FACILITY THAT WAS ONCE A STATE-OWNED TRAINING SCHOOL FOR JUVENILE OFFENDERS.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 20.

S.B. 1352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WATERFRONT ACCESS STUDY COMMITTEE AND TO DIRECT THE COMMITTEE TO STUDY THE LOSS OF DIVERSITY OF USES ALONG THE COASTAL SHORELINE OF NORTH CAROLINA AND HOW THESE LOSSES IMPACT ACCESS TO THE PUBLIC TRUST WATERS OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 1432 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, AND TO MAKE OTHER CONFORMING CHANGES.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 20.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1898, AN ACT TO MAKE CORPORATE INCOME TAX ADJUSTMENTS INAPPLICABLE TO S CORPORATIONS.

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. 2000, AN ACT AMENDING THE CHARTER OF THE TOWN OF MINT HILL TO AUTHORIZE THE TOWN TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

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H.B. 2001, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF MATTHEWS AND MINT HILL.

H.B. 2527, AN ACT TO ALLOW RESIDENTS OF OTHER COUNTIES OR STATES WHO ATTENDED CHEROKEE COUNTY SCHOOLS IN THE 2005-2006 YEAR TO CONTINUE ATTENDANCE WITHOUT PAYMENT OF TUITION.

H.J.R. 2877, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF IDA ELIZABETH INMAN CAMERON, FORMER TEACHER AND CIVIC LEADER. (Res. 11)

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. 1882, AN ACT TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN GREENE COUNTY AND TO REQUIRE WRITTEN PERMISSION BEFORE HUNTING ON THE POSTED LANDS OF ANOTHER IN GREENE COUNTY. (Became law upon ratification, June 15, 2006 - S.L. 2006-12.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 1204, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS AND TO APPROPRIATE FUNDS TO IMPLEMENT AN ACTIVE AND PASSIVE ELECTRONIC MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS PLACED ON PROBATION, PAROLE, OR POST-RELEASE SUPERVISION, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75542, which changes the title to read **S.B. 1204** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS AND TO APPROPRIATE FUNDS TO IMPLEMENT AN ACTIVE AND PASSIVE ELECTRONIC MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

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S.B. 1216, A BILL TO BE ENTITLED AN ACT ALLOWING LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55500, is adopted and engrossed.

S.B. 2010, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE 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 75543, is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1598, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANIMAL WASTE MANAGEMENT SYSTEMS TECHNICAL SPECIALISTS ARE NOT REQUIRED TO BE PROFESSIONAL ENGINEERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55499, which changes the title to read **S.B. 1598** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE THE TRAINING AND QUALIFICATION REQUIREMENTS FOR ANIMAL WASTE MANAGEMENT SYSTEMS TECHNICAL SPECIALISTS AND TO EXTEND THE PERIOD OF TIME THAT ANIMAL WASTE MANAGEMENT SYSTEMS TECHNICAL SPECIALISTS MAY PROVIDE SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT SYSTEM, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 1373, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15341, which changes the title to read **S.B. 1373** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REGISTRATION PLATE FEE

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REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE AND TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND, 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
June 19, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 339**, 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, and requests conferees, Speaker Black appoints:

Representative McLawhorn, Chair
Representative Harrell
Representative Hunter, and
Representative Faison

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

CALENDAR *(continued)*

S.B. 1428 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, AND TO ALLOW AN ADVISORY REFERENDUM IN THE TOWN OF CLAYTON, as amended by a material amendment on June 14, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1666, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF SUNSET BEACH TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF CONSTRUCTING SEWAGE COLLECTION AND TREATMENT FACILITIES PRIOR TO THE CONSTRUCTION OF THE FACILITIES, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1217 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE BEACH.

Senator Boseman 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.

WITHDRAWAL FROM COMMITTEE

S.B. 602 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, referred to the **Judiciary I Committee** on May 9.

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 20, 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 20.

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CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 329** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, 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 329, A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, House Committee Substitute Favorable 8/30/05, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in the House Committee Substitute Favorable 8/30/05, as amended:
On page 1, line 5, by rewriting the line to read:
"LEADERS OF THE SENATE.";

and on page 1, lines 12-18, by deleting the lines;

and on page 1, lines 25-28, by deleting the lines;

and on page 2, lines 1-2, by deleting the lines;

and on page 2, lines 9-12, by deleting the lines;

and on page 2, lines 17-20, by deleting the lines;

and by renumbering the subsections accordingly.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 19, 2006.

Conferees for the Senate

Conferees for the House of Representatives

S/Tony Rand, Chair

S/Henry M. Michaux, Jr., Chair

S/Jeanne Hopkins Lucas, Co-Chair

S/Nelson Cole

Senator Phil Berger, Co-Chair

S/Marian N. McLawhorn

June 19, 2006

The Conference Report, which changes the title, is placed on the Calendar for Tuesday, June 20, for adoption.

CALENDAR (*continued*)

S.B. 1433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO MOVE ITS ALCOHOLIC BEVERAGE CONTROL STORE TO A NEW LOCATION WITHIN THE CORPORATE LIMITS OF THE TOWN AND TO MOVE WITHIN SEVEN MILES OF ANOTHER ABC STORE IN BRUNSWICK COUNTY.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1933 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADAPT THE INSTALLATION DATE OF NEWLY ELECTED MEMBERS OF THE NASH-ROCKY MOUNT BOARD OF EDUCATION TO THE RECENTLY ENACTED LATER DATE FOR THE ELECTION CANVASS, AND PROVIDING FOR ELECTIONS OF THE BOARD OF TRUSTEES FOR ROANOKE RAPIDS GRADED SCHOOL DISTRICT.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1806, A BILL TO BE ENTITLED AN ACT TO ADD TYRRELL COUNTY TO THE LIST OF COUNTIES WHERE THE BOARD OF COMMISSIONERS MAY REQUIRE THE REGISTER OF DEEDS TO HAVE A CERTIFICATION THAT NO TAXES ARE DUE ON REAL PROPERTY BEFORE ACCEPTING FOR REGISTRATION A DEED TRANSFERRING OWNERSHIP OF THAT PROPERTY.

The bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 2273 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON PUBLIC STREETS AND HIGHWAYS IN CURRITUCK COUNTY.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 20.

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S.B. 1591, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The bill passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

RECONSIDERATION

H.B. 2273 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON PUBLIC STREETS AND HIGHWAYS IN CURRITUCK COUNTY.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate Committee Substitute bill passed its third reading earlier tonight be reconsidered, which motion prevails (46-0). The question before the Body becomes the passage of the Senate Committee Substitute bill, upon third reading.

Senator Snow offers Amendment No. 1 which is adopted (46-0), and changes the title upon concurrence to read **H.B. 2273** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON PUBLIC STREETS AND HIGHWAYS IN CURRITUCK COUNTY AND IN THE TOWNS OF CRAMERTON AND DALLAS, AND TO PERMIT LAW ENFORCEMENT OFFICER USE IN THE TOWN OF HIGHLANDS.

The Senate Committee Substitute bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 1621 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE WAGE STANDARD UNDER THE BILL LEE ACT FOR CERTAIN MANUFACTURERS WHOSE BUSINESS UTILIZES A SEQUENTIAL MANUFACTURING PROCESS IN SEPARATE FACILITIES.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 20.

S.B. 1857 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GRANTING STATE RECOGNITION TO THE HALIWA-SAPONI TRIBE OF NORTH CAROLINA.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1862 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENTS.

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Without objection, Senator Hunt, Senator Pittenger and Senator Smith request to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second (40-3) and third readings and is ordered sent to the House of Representatives.

H.B. 447 (Senate 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.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1133 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE ALL AREAS OF ANY BUILDING OCCUPIED BY THE GENERAL ASSEMBLY AS NONSMOKING AREAS.

The Senate Committee Substitute bill passes its third reading (45-1) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1741 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005; TO SET THE PUBLIC UTILITIES REGULATORY FEE AND THE INSURANCE REGULATORY CHARGE; TO AUTHORIZE A PRIVATE WELL-WATER TESTING FEE; TO CLARIFY FEES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICE FACILITIES; TO MAKE A TECHNICAL CORRECTION TO THE LICENSURE FEE CAP FOR REVIEW OF HEALTH CARE FACILITY CONSTRUCTION PROJECTS; TO REPEAL THE FEE FOR MINE SAFETY EDUCATION/TRAINING PROGRAMS; TO INCREASE THE PUBLIC WATER SYSTEMS ANNUAL OPERATING PERMIT FEES; TO IMPOSE PUBLIC WATER SYSTEM PLAN REVIEW FEES; TO LOWER THE STATE SALES AND USE TAX BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE JANUARY 1, 2007; TO LOWER THE UPPER INCOME TAX RATE BY ONE-EIGHTH PERCENTAGE POINT EFFECTIVE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2007; TO PROVIDE FOR A HEALTH INSURANCE TAX CREDIT CAPPED AT \$200 PER ELIGIBLE EMPLOYEE; TO EXPAND THE DEFINITION OF A DEVELOPMENT ZONE TO INCLUDE AN ECONOMIC DEVELOPMENT AND TRAINING DISTRICT; TO EXTEND THE SUNSET ON AVIATION FUEL SOLD TO MOTORSPORTS

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RACING TEAMS; TO ENHANCE THE TAX BENEFITS RELATING TO ETHYL ALCOHOL AND BIODIESEL; TO PROVIDE FOR A SALES AND USE TAX BENEFIT FOR RESEARCH AND DEVELOPMENT COMPANIES; AND TO ELIMINATE SALES AND USE TAX REFUNDS FOR PURCHASES OF ALCOHOLIC BEVERAGES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1741 on Thursday, June 15, and the motion by Senator Garrou to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Dalton, Co-Chair; Senator Garrou, Co-Chair; Senator Hagan, Co-Chair; Senator Albertson; Senator Atwater; Senator Berger of Franklin; Senator Bingham; Senator Bland; Senator Boseman; Senator Clodfelter; Senator Cowell; Senator Dannelly; Senator Dorsett; Senator Garwood; Senator Graham; Senator Hartsell; 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 Stevens; Senator Swindell 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.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Brittany Yvette Beatty, Durham; Brooke Blackman, Angier; Samantha Brody, Greenville; William Colvill, Winston-Salem; Sadie Elizabeth Cooke, Gastonia; Caroline Cross, Burlington; James Cuffney, Raleigh; John Cuffney, Raleigh; Allison C. Farless, Edenton; David Reed Guest, Lexington; Panayiotis A. Harakas, Gastonia; Rachel Hembree, Winston-Salem; Katarina Hergeth, Apex; Paige Nicole Hixon, Clemmons; Shamika Hodge, Knightdale; Kimberly N. Hunter, Durham; Rebekah Quinn Jewell, Clayton; Stephen H. Kouba, Jr., Fayetteville; Eric Cameron Melton, Wilkesboro; Daladier Miller, Cary; Christopher Morgan, Thomasville; Tiffany Owens, Durham; Alex Elizabeth Register, Burlington; Aaron Squires, Chapel Hill; Ashleigh Nicole Stephens, Lumberton; Jekeya Taylor, Durham; Julia Renee Taylor, Chapel Hill; Marie Taylor, Fletcher; and Brea Janise Wilkerson, Durham.

Upon motion of Senator Dannelly, seconded by Senator Clodfelter, the Senate adjourns at 8:03 P.M. in honor of Senator R. C. Soles' induction into the General Practice Hall of Fame, to meet tomorrow, Tuesday, June 20, at 2:00 P.M.

ONE HUNDRED FIFTY-SECOND DAY

Senate Chamber
Tuesday, June 20, 2006

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 Trey Davis, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

"We are called to lead. Elected, appointed, hired, volunteer, we all have some role that asks us to set a positive example for others. We are expected to move boldly and swiftly, to act in a manner that inspires and guides. We must make decisions that will affect people we barely know, people we have never met, people who maybe have not yet even been born.

"We are called to serve. We must put aside our own wants and needs in order to tend to the wants and needs of others. We are asked to suppress our egos, to dismiss our own agenda, and to wait patiently on those very same people who ask us to take charge.

"We cannot lead unless we are willing to serve. Help us to do both well. Give us the courage and the wisdom to lead. Give us the humility and the desire to serve. Help us to shine, not for our own glory, but for the benefit of others. Amen."

The Chair grants leaves of absence for today to Senator Jenkins, Senator Kinnaird and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, June 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends the privileges of the floor to Dr. Matthew Manning from Greensboro, North Carolina, who is serving the Senate as Doctor of the Day, and to Sheila Summerville 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 Hoyle for the **Transportation Committee**:

S.B. 1381, A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE

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PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15412, which changes the title to read **S.B. 1381** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NC TURNPIKE AUTHORITY TO CONVERT CERTAIN FREE HIGHWAYS CONTIGUOUS TO EXISTING OR PLANNED TOLL FACILITIES, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Kerr, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 21, upon third reading.

S.B. 1216 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT.

Senator Boseman 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.

RECOGNITION OF DEREK GASKINS

With unanimous consent, upon motion of Senator Dannelly, the privileges of the floor are extended to Derek Gaskins, from Grifton, North Carolina, who is the 2006 North Carolina Ambassador for the Children's Miracle Network. Senator Dorsett,

June 20, 2006

Senator Kerr and Senator Lucas and Senator Purcell are appointed to escort Derek Gaskins and his mother to the Well of the Senate.

The President recognizes the Committee to escort the guests from the Chamber, who depart to a standing ovation.

CALENDAR *(continued)*

S.B. 1373 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE AND TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND.

Upon motion of Senator Dannelly, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 1598 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE THE TRAINING AND QUALIFICATION REQUIREMENTS FOR ANIMAL WASTE MANAGEMENT SYSTEMS TECHNICAL SPECIALISTS AND TO EXTEND THE PERIOD OF TIME THAT ANIMAL WASTE MANAGEMENT SYSTEMS TECHNICAL SPECIALISTS MAY PROVIDE SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT SYSTEM.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1621 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE WAGE STANDARD UNDER THE BILL LEE ACT FOR CERTAIN MANUFACTURERS WHOSE BUSINESS UTILIZES A SEQUENTIAL MANUFACTURING PROCESS IN SEPARATE FACILITIES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1806, AN ACT TO ADD TYRRELL COUNTY TO THE LIST OF COUNTIES WHERE THE BOARD OF COMMISSIONERS MAY REQUIRE THE REGISTER OF DEEDS TO HAVE A CERTIFICATION THAT NO TAXES ARE DUE ON REAL PROPERTY BEFORE ACCEPTING FOR REGISTRATION A DEED TRANSFERRING OWNERSHIP OF THAT PROPERTY.

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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:

H.B. 2527, AN ACT TO ALLOW RESIDENTS OF OTHER COUNTIES OR STATES WHO ATTENDED CHEROKEE COUNTY SCHOOLS IN THE 2005-2006 YEAR TO CONTINUE ATTENDANCE WITHOUT PAYMENT OF TUITION. (Became law upon ratification, June 19, 2006 - S.L. 2006-13.)

H.B. 2000, AN ACT AMENDING THE CHARTER OF THE TOWN OF MINT HILL TO AUTHORIZE THE TOWN TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE. (Became law upon ratification, June 19, 2006 - S.L. 2006-14.)

H.B. 2001, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF MATTHEWS AND MINT HILL. (Became law upon ratification, June 19, 2006 - S.L. 2006-15.)

CALENDAR (*continued*)

H.B. 474 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR REVITALIZATION OF HISTORIC MILL FACILITIES AND TO PROVIDE AN ENHANCED HISTORIC REHABILITATION CREDIT FOR REHABILITATION EXPENSES WITH RESPECT TO A FACILITY THAT WAS ONCE A STATE-OWNED TRAINING SCHOOL FOR JUVENILE OFFENDERS.

Senator Hartsell offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second (46-1) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1432 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, AND TO MAKE OTHER CONFORMING CHANGES.

Senator Hartsell offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 602 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, for concurrence in the House Committee Substitute.

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Upon motion of Senator Clodfelter the Senate fails to concur in the House Committee Substitute bill (0-47).

Senator Clodfelter 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. 329 (Conference Report), A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE, for adoption.

Upon motion of Senator Rand, the Conference Report is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 22.

S.B. 1373 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE AND TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND, temporarily displaced earlier today.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2887, A JOINT RESOLUTION INVITING THE CAROLINA HURRICANES HOCKEY TEAM, WINNER OF THE STANLEY CUP, AS CHAMPIONS OF THE NATIONAL HOCKEY LEAGUE TO ADDRESS A JOINT SESSION OF THE GENERAL ASSEMBLY.

Upon motion of Senator Rand, the joint resolution is placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The joint resolution passes its second (47-0) and third readings and is ordered enrolled.

INTRODUCTION OF BILLS AND RESOLUTIONS

Resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Dorsett; Bingham, Hagan and Rand:

S.J.R. 2060, A JOINT RESOLUTION HONORING THE MEMORY OF CHARLES JEWTRAW, THE FIRST AMERICAN SPEED SKATER TO WIN A GOLD MEDAL DURING THE 1924 WINTER OLYMPICS AND

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RECOGNIZING JOEY CHEEK, A TWO-TIME OLYMPIAN AND NORTH CAROLINA NATIVE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Rand; Apodaca, Berger of Rockingham, Garrou and Malone:

S.R. 2061, A SENATE RESOLUTION ADOPTING AN OFFICIAL COAT OF ARMS AND SEAL.

Referred to the **Rules and Operations of the Senate Committee**.

WITHDRAWAL FROM COMMITTEE

S.J.R. 2060, A JOINT RESOLUTION HONORING THE MEMORY OF CHARLES JEWTRAW, THE FIRST AMERICAN SPEED SKATER TO WIN A GOLD MEDAL DURING THE 1924 WINTER OLYMPICS AND RECOGNIZING JOEY CHEEK, A TWO-TIME OLYMPIAN AND NORTH CAROLINA NATIVE, referred to the **Rules and Operations of the Senate Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Thursday, June 22, 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, June 22.

S.B. 1750, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF JOHNSTON, referred to the **Rules and Operations of the Senate Committee** on May 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the 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 bill to the **Finance Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 602 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 602 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

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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 and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to introduction of bills, ratification of bills, receipt of committee reports and reading of messages from the House of Representatives, to meet tomorrow, Wednesday, June 21, 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 19, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in **S.B. 1741** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005; TO SET THE PUBLIC UTILITIES REGULATORY FEE AND THE INSURANCE REGULATORY CHARGE; TO AUTHORIZE A PRIVATE WELL-WATER TESTING FEE; TO CLARIFY FEES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICE FACILITIES; TO MAKE A TECHNICAL CORRECTION TO THE LICENSURE FEE CAP FOR REVIEW OF HEALTH CARE FACILITY CONSTRUCTION PROJECTS; TO REPEAL THE FEE FOR MINE SAFETY EDUCATION/TRAINING PROGRAMS; TO INCREASE THE PUBLIC WATER SYSTEMS ANNUAL OPERATING PERMIT FEES; TO IMPOSE PUBLIC WATER SYSTEM PLAN REVIEW FEES; TO LOWER THE STATE SALES AND USE TAX BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE JANUARY 1, 2007; TO LOWER THE UPPER INCOME TAX RATE BY ONE-EIGHTH PERCENTAGE POINT EFFECTIVE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2007; TO PROVIDE FOR A HEALTH INSURANCE TAX CREDIT CAPPED AT \$200 PER ELIGIBLE EMPLOYEE; TO EXPAND THE DEFINITION OF A DEVELOPMENT ZONE TO INCLUDE AN ECONOMIC DEVELOPMENT AND TRAINING DISTRICT; TO EXTEND THE SUNSET ON AVIATION FUEL SOLD TO MOTORSPORTS RACING TEAMS; TO ENHANCE THE TAX BENEFITS RELATING TO ETHYL ALCOHOL AND BIODIESEL; TO PROVIDE FOR A SALES AND USE TAX BENEFIT FOR RESEARCH AND DEVELOPMENT COMPANIES; AND TO ELIMINATE SALES AND USE TAX REFUNDS FOR PURCHASES OF ALCOHOLIC BEVERAGES, and requests conferees, Speaker Black appoints:

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Representative Crawford, Co-Chair	Representative Earle, Co-Chair
Representative Owens, Co-Chair	Representative Nye, Co-Chair
Representative Yongue, Co-Chair	Representative Clary, Co-Chair
Representative Sherrill, Co-Chair	Representative Michaux
Representative Cunningham	Representative Hackney
Representative Holliman	Representative Gibson
Representative Luebke	Representative Wainwright
Representative Alexander	Representative McComas
Representative Howard	

Subcommittee on Capital: Representative Wright

Subcommittee on Education:

Representative Carney	Representative Jeffus
Representative Tolson	Representative Rapp
Representative Bell	Representative Fisher
Representative Parmon	Representative McLawhorn

Subcommittee on General Government:

Representative Adams	Representative Lucas
Representative Goforth	Representative Pierce
Representative Tucker	

Subcommittee on Health and Human Services:

Representative Insko	Representative Farmer-Butterfield
Representative B. Allen	Representative England
Representative Barnhart	

Subcommittee on Justice and Public Safety:

Representative Haire	Representative Sutton
Representative Goodwin	Representative Ed Jones
Representative Miller	Representative Kiser

Subcommittee on Natural and Economic Resources:

Representative Hunter	Representative Warren
Representative L. Allen	Representative Harrison
Representative Wilkins	Representative Wray

Subcommittee on Transportation:

Representative Coates	Representative Cole
Representative Church	Representative Coleman
Representative Dickson	Representative Martin
Representative McAllister	Representative Saunders
Representative Williams	

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on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 1825, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEPARTMENT OF TRANSPORTATION SECONDARY ROAD CONSTRUCTION FORMULA, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 1834, A BILL TO BE ENTITLED AN ACT TO CHANGE THE BONDING REQUIREMENTS FOR UP TO TWO DEPARTMENT OF TRANSPORTATION PERFORMANCE-BASED CONTRACTS FOR ROUTINE MAINTENANCE AND OPERATIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Commerce Committee**.

H.B. 1835, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE STANDARD DEPARTMENT OF TRANSPORTATION CONTRACT PROVISIONS ON DIFFERING SITE CONDITIONS, SUSPENSIONS OF WORK, AND CHANGES IN CHARACTER OF WORK, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Commerce Committee**.

H.B. 1864 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FOSTER FAIR COMPETITION IN SCHOOL ATHLETICS IN CERTAIN COUNTIES.

Referred to the **State & Local Government Committee**.

H.B. 1901 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE IREDELL-STATESVILLE SCHOOLS TO CONVEY CERTAIN PROPERTY TO A NONPROFIT CORPORATION TO ALLOW FOR ESTABLISHMENT OF THE BOYS AND GIRLS CLUB OF THE PIEDMONT ON THE SITE.

Referred to the **State & Local Government Committee**.

H.B. 1974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REEMPLOYMENT OF CERTAIN RETIRED COMMUNITY COLLEGE

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EMPLOYEES WHO WERE PROVIDED INCORRECT INFORMATION ABOUT THE WAITING PERIOD FOR REEMPLOYMENT.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 2059 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF FACILITY SERVICES, TO POST THE FINES AND PENALTIES ASSESSED TO LONG-TERM CARE FACILITIES, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

H.B. 2098 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE PROTECTION OF ANIMALS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

H.B. 2110, A BILL TO BE ENTITLED AN ACT TO REPEAL LOCAL ACTS CONCERNING HOSPITALS IN CRAVEN COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 2129 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMUNITY CONSERVATION ASSISTANCE PROGRAM IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 2195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIABILITY PROTECTION FOR HEALTH CARE WORKERS WHEN RESPONDING TO IN-STATE INCIDENTS OUTSIDE THEIR HOSPITAL OR NORMAL JURISDICTION AS MEMBERS OF A STATE MEDICAL ASSISTANCE TEAM.

Referred to the **Judiciary I Committee**.

H.B. 2439, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TRIAL REHABILITATION PERIODS FOR PERSONS WHO HAVE BEEN RECEIVING LONG-TERM DISABILITY BENEFITS UNDER THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO ALLOW THOSE PERSONS TO ATTEMPT A RETURN TO WORK WITHOUT BEING PENALIZED.

Referred to the **Pensions & Retirement and Aging Committee**.

ENROLLED BILLS

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. 2887, A JOINT RESOLUTION INVITING THE CAROLINA HURRICANES HOCKEY TEAM, WINNER OF THE STANLEY CUP, AS CHAMPIONS OF THE NATIONAL HOCKEY LEAGUE TO ADDRESS A JOINT SESSION OF THE GENERAL ASSEMBLY. (Res. 12)

June 20, 2006

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1587, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS; (4) PROVIDE THAT A PERSON WHO INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; AND (5) PROVIDE THAT STORMWATER CONTROL ORDINANCES THAT ARE ADOPTED BY CITIES MUST AT LEAST MEET ALL OF THE MINIMUM STATUTORY REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35432, which changes the title to read **S.B. 1587** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS IN CERTAIN CIRCUMSTANCES; (4) PROVIDE THAT A PERSON WHO INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; (5) REMOVE DEER AND ELK FROM THE DEFINITION OF LIVESTOCK; (6) CLARIFY THAT THE FOR HIRE BLANKET COASTAL RECREATIONAL FISHING LICENSE IS ISSUED FOR THE FOR HIRE BOAT; (7) CLARIFY THAT SPECIAL LANDHOLDER AND GUEST FISHING LICENSES ONLY APPLY WHEN THE GUESTS ARE NONPAYING; (8) INCREASE THE TYPES OF LICENSES THAT THE WILDLIFE RESOURCES COMMISSION MAY ESTABLISH AS PERSONALIZED LICENSES; (9) CLARIFY THAT THE

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LIFETIME UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE IS A RESIDENT-ONLY LICENSE; (10) PROHIBIT THE DISCLOSURE OF PERSONAL IDENTIFYING INFORMATION COLLECTED BY THE WILDLIFE RESOURCES COMMISSION FOR LICENSING PURPOSES EXCEPT UNDER CERTAIN CIRCUMSTANCES; (11) AUTHORIZE THE MARINE FISHERIES COMMISSION TO EXEMPT CERTAIN ORGANIZED FISHING EVENTS FROM LICENSE REQUIREMENTS; AND (12) TO CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN, is adopted and engrossed.

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, 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 50740, which changes the title upon concurrence to read **H.B. 1094** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO STREAMLINE THE PROCESS FOR THE ISSUANCE OF AN IMPROVEMENT PERMIT OR AN AUTHORIZATION TO CONSTRUCT FOR AN ON-SITE SUBSURFACE WASTEWATER SYSTEM IN CERTAIN COUNTIES BY AUTHORIZING LOCAL HEALTH DEPARTMENTS, AUTHORIZED AGENTS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND LICENSED SOIL SCIENTISTS TO COMPLETE SOIL AND SITE EVALUATIONS IN THE PARTICIPATING COUNTIES, is adopted and engrossed.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:54 P.M.

ONE HUNDRED FIFTY-THIRD DAY

Senate Chamber
Wednesday, June 21, 2006

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 Trey Davis, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

"Dear God, we want so badly to do what is right. We struggle with even the most basic decisions, trying to analyze every detail, hoping that what we choose will lead us to the best possible outcome. With larger issues, we often spend months or years trying to craft a solution that is perfect, or trying to land on the better of two options. Sometimes we are forced to choose and feel unsatisfied, as if neither alternative is really 'right.' But we want, so badly, to do what is right.

"Grant us patience when we struggle. Help us to recognize that answers don't always come when we think they ought to come. Teach us how to linger in the in between, savoring the process, cherishing the journey.

"Mostly, give us the discernment to know what is right. Instill in us your wisdom. Help us to trust our own desire to do good, and to trust in you and in others who share that desire. Please guide us toward goodness. Amen."

The Chair grants leaves of absence for today to Senator Graham and Senator Jenkins.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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 Chair extends the privileges of the floor to Dr. John Burkard, Jr. from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Barbara Joyner from Kenly, 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. 1806, AN ACT TO ADD TYRRELL COUNTY TO THE LIST OF COUNTIES WHERE THE BOARD OF COMMISSIONERS MAY REQUIRE THE REGISTER OF DEEDS TO HAVE A CERTIFICATION THAT NO TAXES ARE DUE ON REAL PROPERTY BEFORE ACCEPTING FOR REGISTRATION A DEED TRANSFERRING OWNERSHIP OF THAT PROPERTY. (Became law upon ratification, June 20, 2006 - S.L. 2006-16.)

June 21, 2006

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 20, 2006

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 2887**, A JOINT RESOLUTION INVITING THE CAROLINA HURRICANES HOCKEY TEAM, WINNER OF THE STANLEY CUP, AS CHAMPIONS OF THE NATIONAL HOCKEY LEAGUE TO ADDRESS A JOINT SESSION OF THE GENERAL ASSEMBLY, the Speaker has appointed the following members of the House of Representatives to serve with a like committee of the Senate to escort the Carolina Hurricanes Hockey Team to the Joint Session:

Representative Howard
Representative Martin
Representative Weiss
Representative Dollar
Representative Stam
Representative Owens
Representative Eddins

Representative Ross
Representative Coleman
Representative B. Allen
Representative Capps
Representative Brubaker
Representative Sherrill
Representative McComas

Respectfully,
S/Denise G. Weeks
Principal Clerk

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Basnight, President *Pro Tempore*, who appoints Senator Cowell, Senator Hunt, Senator Malone, and Senator Stevens as the Committee to escort the Carolina Hurricanes Hockey Team, Coach, and Management to the Joint Session of the General Assembly today.

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:

House of Representatives
June 21, 2006

June 21, 2006

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 2887**, A JOINT RESOLUTION INVITING THE CAROLINA HURRICANES HOCKEY TEAM, WINNER OF THE STANLEY CUP, AS CHAMPIONS OF THE NATIONAL HOCKEY LEAGUE TO ADDRESS A JOINT SESSION OF THE GENERAL ASSEMBLY, the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/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 repair to the Hall of the House of Representatives pursuant to **H.J.R. 2887**.

Upon motion of Senator Basnight, in accordance with **H.J.R. 2887**, the Senate stands in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session, and upon his further motion, upon dissolution of the Joint Session, to return to the Senate Chamber for further consideration of business.

The President declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

JOINT SESSION

With Members of the House of Representatives standing, the Senate is received and the Joint Session is called to order by The Honorable James B. Black, Speaker.

H.J.R. 2891, A JOINT RESOLUTION HONORING THE 2006 STANLEY CUP CHAMPION CAROLINA HURRICANES HOCKEY CLUB.

The Joint Resolution passes the House of Representatives.

Speaker Black relinquishes the gavel to the President of the Senate, Lieutenant Governor Perdue, who presides.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2891, A JOINT RESOLUTION HONORING THE 2006 STANLEY CUP CHAMPION CAROLINA HURRICANES HOCKEY CLUB.

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 (45-0) and third readings and is ordered enrolled.

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Coach Peter Laviolette is recognized and introduces the following team members and coaches, 2006 Stanley Cup Champions: Matt Cullen, Justin Williams, Eric Staal, Ray Whitney, Kevyn Adams, Andrew Ladd, Rod Brind'Amour, Mark Recchi, Eric Cole, Craig Adams, Doug Weight, Chad LaRose, Cory Stillman, Josef Vasicek, Glen Wesley, Aaron Ward, Frantisek Kaberle, Bret Hedican, Niclas Wallin, Mike Commodore, Andrew Hutchinson, Anton Babchuk, Oleg Tverdovsky, Martin Gerber, Cam Ward, and Assistant Coaches Kevin McCarthy and Jeff Daniels.

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 returns to its Chamber to resume its business.

The Senate reconvenes in the Senate Chamber 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 Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1590, 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, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55503, which changes the title to read **S.B. 1590** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES, AND TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

S.B. 1203, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AGRARIAN GROWTH ZONES UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, with a favorable report.

S.B. 1479, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

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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, with a favorable report.

H.B. 1852, A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENTAL ENTITY OUTSIDE OF LINCOLN COUNTY MAY ANNEX ANY PORTION OF THAT COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO LINCOLN COUNTY, with a favorable report.

H.B. 2097, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE PROPERTY TAX LAWS, with a favorable report.

S.B. 1563, A BILL TO BE ENTITLED AN ACT TO RECODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS AND TO INCREASE THE CREDIT FOR CERTAIN PASS-THROUGH ENTITIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75545, which changes the title to read **S.B. 1563** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS AND TO EXTEND THE SUNSET FOR A REFUND OF SALES AND USE TAXES PAID ON FUEL BY A QUALIFYING INTERSTATE PASSENGER AIR CARRIER, is adopted and engrossed.

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, 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, 15416, which changes the title to read **S.B. 1157** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT 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.

By Senator Swindell for the **Education/Higher Education Committee**:

H.B. 771 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE PROHIBITION AGAINST CERTAIN SPOUSES OF

June 21, 2006

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, 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 10631, is adopted and engrossed.

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, 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 70781, is adopted and engrossed.

H.B. 1908 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS GOVERNING THE EDUCATION OF CHILDREN WITH SPECIAL NEEDS, 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 80663, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS, 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, 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. 1892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CAPITAL FACILITIES COSTS OF A PURCHASE OF LAND BY THE WILDLIFE RESOURCES COMMISSION AND TO FINANCE THE CAPITAL FACILITY COSTS OF STALL BARNs AT THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER.

June 21, 2006

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, June 22.

S.B. 1381 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NC TURNPIKE AUTHORITY TO CONVERT CERTAIN FREE HIGHWAYS CONTIGUOUS TO EXISTING OR PLANNED TOLL FACILITIES, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS.

Upon motion of Senator Snow, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 28.

S.B. 1587 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS IN CERTAIN CIRCUMSTANCES; (4) PROVIDE THAT A PERSON WHO INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; (5) REMOVE DEER AND ELK FROM THE DEFINITION OF LIVESTOCK; (6) CLARIFY THAT THE FOR HIRE BLANKET COASTAL RECREATIONAL FISHING LICENSE IS ISSUED FOR THE FOR HIRE BOAT; (7) CLARIFY THAT SPECIAL LANDHOLDER AND GUEST FISHING LICENSES ONLY APPLY WHEN THE GUESTS ARE NONPAYING; (8) INCREASE THE TYPES OF LICENSES THAT THE WILDLIFE RESOURCES COMMISSION MAY ESTABLISH AS PERSONALIZED LICENSES; (9) CLARIFY THAT THE LIFETIME UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE IS A RESIDENT-ONLY LICENSE; (10) PROHIBIT THE DISCLOSURE OF PERSONAL IDENTIFYING INFORMATION COLLECTED BY THE WILDLIFE RESOURCES COMMISSION FOR LICENSING PURPOSES EXCEPT UNDER CERTAIN CIRCUMSTANCES; (11) AUTHORIZE THE MARINE FISHERIES COMMISSION TO EXEMPT CERTAIN ORGANIZED FISHING EVENTS FROM LICENSE REQUIREMENTS; AND (12) TO CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN.

Senator Albertson offers Amendment No. 1 which is adopted (48-0), and changes the title to read **S.B. 1587** (Committee Substitute), A BILL TO BE

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ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS IN CERTAIN CIRCUMSTANCES; (4) PROVIDE THAT A PERSON WHO MANUFACTURES, INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; (5) REMOVE DEER AND ELK FROM THE DEFINITION OF LIVESTOCK; (6) CLARIFY THAT THE FOR HIRE BLANKET COASTAL RECREATIONAL FISHING LICENSE IS ISSUED FOR THE FOR HIRE BOAT; (7) CLARIFY THAT SPECIAL LANDHOLDER AND GUEST FISHING LICENSES ONLY APPLY WHEN THE GUESTS ARE NONPAYING; (8) INCREASE THE TYPES OF LICENSES THAT THE WILDLIFE RESOURCES COMMISSION MAY ESTABLISH AS PERSONALIZED LICENSES; (9) CLARIFY THAT THE LIFETIME UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE IS A RESIDENT-ONLY LICENSE; (10) PROHIBIT THE DISCLOSURE OF PERSONAL IDENTIFYING INFORMATION COLLECTED BY THE WILDLIFE RESOURCES COMMISSION FOR LICENSING PURPOSES EXCEPT UNDER CERTAIN CIRCUMSTANCES; (11) AUTHORIZE THE MARINE FISHERIES COMMISSION TO EXEMPT CERTAIN ORGANIZED FISHING EVENTS FROM LICENSE REQUIREMENTS; AND (12) TO CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN.

Upon motion of Senator Albertson, the Committee Substitute bill, as amended, is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, June 22.

WITHDRAWAL FROM COMMITTEE

S.B. 1352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WATERFRONT ACCESS STUDY COMMITTEE AND TO DIRECT THE COMMITTEE TO STUDY THE LOSS OF DIVERSITY OF USES ALONG THE COASTAL SHORELINE OF NORTH CAROLINA AND HOW THESE LOSSES IMPACT ACCESS TO THE PUBLIC TRUST WATERS OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, referred to the **Rules and Operations of the Senate Committee** on June 19.

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**

June 21, 2006

Committee and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the bill to the **Agriculture/Environment/Natural Resources Committee**.

S.B. 1991, A BILL TO BE ENTITLED AN ACT TO PROVIDE BALANCE AMONG THE COUNTIES IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 13, referred to the **Appropriations/Base Budget Committee** on May 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the bill to the **Judiciary I Committee**.

S.B. 1990, A BILL TO BE ENTITLED AN ACT TO DIVIDE SUPERIOR COURT DISTRICT 13, referred to the **Appropriations/Base Budget Committee** on May 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the bill to the **Judiciary I Committee**.

PRIVILEGES OF THE FLOOR

The President extends the privileges of the floor to Frank Bray, a 43-year-old man with Down Syndrome. He is a young man who has learned to interact with his community and church and has proven to be a very productive citizen. Among other things, he wants to one day serve as a district attorney. Frank serves the homeless once a month through his church and is a loving and happy family member.

Upon motion of Senator Basnight, seconded by Senator Stevens, the Senate adjourns in honor of the Carolina Hurricanes, subject to receipt of committee reports, reading of messages from the House of Representatives and introduction of bills, to meet tomorrow, Thursday, June 22, at 11:00 A.M.

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 Hunt, Stevens, Cowell and Malone:

S.J.R. 2062, A JOINT RESOLUTION HONORING THE CAROLINA HURRICANES HOCKEY TEAM, WINNERS OF THE 2006 NATIONAL HOCKEY LEAGUE CHAMPIONSHIP TROPHY, THE FAMED STANLEY

June 21, 2006

CUP, NAMED FOR LORD STANLEY, THE EARL OF PRESTON AND GOVERNOR-GENERAL OF CANADA.

Referred to the **Rules and Operations of the Senate Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 20, 2006

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 for **S.B. 1741** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005; TO SET THE PUBLIC UTILITIES REGULATORY FEE AND THE INSURANCE REGULATORY CHARGE; TO AUTHORIZE A PRIVATE WELL-WATER TESTING FEE; TO CLARIFY FEES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICE FACILITIES; TO MAKE A TECHNICAL CORRECTION TO THE LICENSURE FEE CAP FOR REVIEW OF HEALTH CARE FACILITY CONSTRUCTION PROJECTS; TO REPEAL THE FEE FOR MINE SAFETY EDUCATION/TRAINING PROGRAMS; TO INCREASE THE PUBLIC WATER SYSTEMS ANNUAL OPERATING PERMIT FEES; TO IMPOSE PUBLIC WATER SYSTEM PLAN REVIEW FEES; TO LOWER THE STATE SALES AND USE TAX BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE JANUARY 1, 2007; TO LOWER THE UPPER INCOME TAX RATE BY ONE-EIGHTH PERCENTAGE POINT EFFECTIVE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2007; TO PROVIDE FOR A HEALTH INSURANCE TAX CREDIT CAPPED AT \$200 PER ELIGIBLE EMPLOYEE; TO EXPAND THE DEFINITION OF A DEVELOPMENT ZONE TO INCLUDE AN ECONOMIC DEVELOPMENT AND TRAINING DISTRICT; TO EXTEND THE SUNSET ON AVIATION FUEL SOLD TO MOTORSPORTS RACING TEAMS; TO ENHANCE THE TAX BENEFITS RELATING TO ETHYL ALCOHOL AND BIODIESEL; TO PROVIDE FOR A SALES AND USE TAX BENEFIT FOR RESEARCH AND DEVELOPMENT COMPANIES; AND TO ELIMINATE SALES AND USE TAX REFUNDS FOR PURCHASES OF ALCOHOLIC BEVERAGES:

Representative McAllister has been removed from the Subcommittee on Transportation and added to the Subcommittee on Natural and Economic Resources,

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

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Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 1896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD STATUTORY RAPE OF A THIRTEEN- , FOURTEEN- , OR FIFTEEN-YEAR OLD BY A PERSON AT LEAST SIX YEARS OLDER TO THE LIST OF OFFENSES REQUIRING SEX OFFENDER REGISTRATION; TO REQUIRE OFFENDERS TO PROVIDE IN- PERSON REGISTRATION, ANNUAL VERIFICATION, AND NOTIFICATION OF CHANGES; TO REQUIRE NOTIFICATION TO AN OFFENDER'S REGISTERING SHERIFF OF AN OFFENDER'S OUT-OF-COUNTY EMPLOYMENT WHERE A TEMPORARY RESIDENCE IS ESTABLISHED; TO PROVIDE AN OFFENDER OF EARLIER NOTICE OF HIS ANNUAL OBLIGATION TO VERIFY REGISTRATION; TO REQUIRE SHERIFFS TO TAKE PHOTOGRAPHS OF OFFENDERS AT THE TIME OF REGISTRATION; TO AUTHORIZE SHERIFFS TO VERIFY A REGISTRANT'S ADDRESS AND TO UPDATE A REGISTRANT'S PHOTOGRAPH; TO ADD A WILLFUL REQUIREMENT TO THE CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH THE REGISTRATION REQUIREMENTS UNDER G.S. 14-208.11; TO MAKE IT A CLASS H FELONY TO HARBOR OR OTHERWISE AID A SEX OFFENDER WHO IS IN NONCOMPLIANCE WITH THE REGISTRATION REQUIREMENTS; TO AUTHORIZE THE EXTENSION OF THE REGISTRATION PERIOD FOR UP TO TEN YEARS FOR WILLFUL FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS; TO MAKE IT A CLASS F FELONY FOR A SEX OFFENDER TO RESIDE WITHIN ONE THOUSAND FEET OF A PUBLIC OR NONPUBLIC SCHOOL, A CHILD CARE CENTER, OR A PUBLIC SWIMMING POOL; TO EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; AND TO AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS.

Referred to the **Judiciary I Committee**.

H.B. 1993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE.

Referred to the **Finance Committee**.

H.B. 2040 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PUBLIC WORKS COMMISSION OF THE CITY OF

June 21, 2006

FAYETTEVILLE TO USE COMMISSION LABOR FOR THE CONSTRUCTION OF WATER AND SEWER UTILITY PROJECTS IN THE PHASE V ANNEXED AREAS OF THE CITY AND UNDER CERTAIN CIRCUMSTANCES AND WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR.

Referred to the **State & Local Government Committee**.

H.B. 2289, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEVILLE RELATING TO AN AGREEMENT MAKING A FULL AND FINAL SETTLEMENT OF DISPUTED MATTERS RELATING TO THE AMOUNT OF FRANCHISE TAX DUE THE CITY BY TWO PUBLIC UTILITIES.

Referred to the **Finance Committee**.

H.B. 2324, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL TO REPEAL TERM LIMITS FOR THE OFFICE OF MAYOR.

Referred to the **State & Local Government Committee**.

H.B. 2343, A BILL TO BE ENTITLED AN ACT TO EXEMPT STOKES COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

Referred to the **State & Local Government Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75548, which changes the title to read **S.B. 847** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE VEHICLE PROTECTION PRODUCT ACT, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Finance Committee**.

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By Senator Holloman for the **State & Local Government Committee**:

H.B. 1864 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FOSTER FAIR COMPETITION IN SCHOOL ATHLETICS IN CERTAIN COUNTIES, with a favorable report.

H.B. 2110, A BILL TO BE ENTITLED AN ACT TO REPEAL LOCAL ACTS CONCERNING HOSPITALS IN CRAVEN COUNTY, with a favorable report.

S.B. 1264, A BILL TO BE ENTITLED AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO SELL AT PRIVATE SALE THE FORMER LEXINGTON FURNITURE PROPERTIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85473, which changes the title to read **S.B. 1264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HARNETT COUNTY TO DEVELOP AND CONSTRUCT RECREATIONAL AND CULTURAL FACILITIES WITH THE FUNDS RECEIVED UNDER ITS SUBDIVISION CONTROL ORDINANCES, is adopted and engrossed.

Upon motion of Senator Holloman, 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 4:36 P.M.

ONE HUNDRED FIFTY-FOURTH DAY

Senate Chamber
Thursday, June 22, 2006

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 Trey Davis, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

"God, it has been an incredible week to be in this city. It has been a time of celebration and euphoria, of family and togetherness, a time to create extraordinary memories. We are grateful not only for the thrills of this week but also for the sense of trust, of commitment, and of unity that has come with them. We have experienced such joy and such excitement.

"We also know, God, that there are some who are not joyful. We know that some are sick or injured, and may be afraid about their chances of recovery. We know that some live their lives uncertain about fulfilling simple needs, fulfillment that we take

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for granted. We know that some suffer from emotional or spiritual hardship. We know these things because we see them everyday, on the news, on the way to work, in our families. We know these things because, in some way, we've been there.

"We are so grateful for the joy, for the exhilaration of success. Never let us forget how good it is to be joyful. Never let us forget how hard it is to suffer. May our excitement motivate us to comfort and to encourage those who are hurting, that our joy might not stop in our own hearts but might be manifest to others in our world. Amen."

The Chair grants leaves of absence for today to Senator Goodall, Senator Graham and Senator Jenkins.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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 Chair extends the privileges of the floor to Dr. Charles Mann from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Elizabeth Corbett from Raleigh, 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:

S.J.R. 2060, A JOINT RESOLUTION HONORING THE MEMORY OF CHARLES JEWTRAW, THE FIRST AMERICAN SPEED SKATER TO WIN A GOLD MEDAL DURING THE 1924 WINTER OLYMPICS AND RECOGNIZING JOEY CHEEK, A TWO-TIME OLYMPIAN AND NORTH CAROLINA NATIVE.

Upon motion of Senator Rand, the joint resolution is taken up out of its regular order of business and placed before the Senate for immediate consideration.

RECOGNITION OF JOEY CHEEK

With unanimous consent, upon motion of Senator Dannelly, the privileges of the floor are extended to Joey Cheek, 2006 Olympic Gold Medalist in speed skating, and to his mother, Chris. Senator Dorsett, Senator Berger of Rockingham, Senator Bingham, Senator Hagan and Senator Rand are appointed to escort Joey Cheek to the Well of the Senate.

Senate joint resolution 2060 passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

The President recognizes the Committee to escort the guests from the Chamber, who depart to a standing ovation.

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MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 2200 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE EMBARGO AUTHORITY OF THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH DIRECTORS AND TO DIRECT THE DEVELOPMENT OF A STATE PLAN TO PROTECT THE FOOD SUPPLY FROM INTENTIONAL CONTAMINATION.

Referred to the **Health Care Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
June 21, 2006

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. 329** (Conference Report), A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE.

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
June 21, 2006

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representative Spear has been added as a conferee to House Committee Substitute for **S.B. 339**, A BILL TO BE ENTITLED AN ACT AUTHORIZING

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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.

Respectfully,
S/Denise G. Weeks
Principal Clerk

CALENDAR (*continued*)

S.B. 1587 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS IN CERTAIN CIRCUMSTANCES; (4) PROVIDE THAT A PERSON WHO INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; (5) REMOVE DEER AND ELK FROM THE DEFINITION OF LIVESTOCK; (6) CLARIFY THAT THE FOR HIRE BLANKET COASTAL RECREATIONAL FISHING LICENSE IS ISSUED FOR THE FOR HIRE BOAT; (7) CLARIFY THAT SPECIAL LANDHOLDER AND GUEST FISHING LICENSES ONLY APPLY WHEN THE GUESTS ARE NONPAYING; (8) INCREASE THE TYPES OF LICENSES THAT THE WILDLIFE RESOURCES COMMISSION MAY ESTABLISH AS PERSONALIZED LICENSES; (9) CLARIFY THAT THE LIFETIME UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE IS A RESIDENT-ONLY LICENSE; (10) PROHIBIT THE DISCLOSURE OF PERSONAL IDENTIFYING INFORMATION COLLECTED BY THE WILDLIFE RESOURCES COMMISSION FOR LICENSING PURPOSES EXCEPT UNDER CERTAIN CIRCUMSTANCES; (11) AUTHORIZE THE MARINE FISHERIES COMMISSION TO EXEMPT CERTAIN ORGANIZED FISHING EVENTS FROM LICENSE REQUIREMENTS; AND (12) TO CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN.

June 22, 2006

Upon motion of Senator Albertson, the Committee Substitute bill, as amended on June 21, is withdrawn from today's Calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

S.B. 1892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CAPITAL FACILITIES COSTS OF A PURCHASE OF LAND BY THE WILDLIFE RESOURCES COMMISSION AND TO FINANCE THE CAPITAL FACILITY COSTS OF STALL BARNs AT THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 27.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 2012, A BILL TO BE ENTITLED AN ACT TO RELIEVE A SUCCESSOR EMPLOYER OF THE HIGHER UNEMPLOYMENT CONTRIBUTION RATE OF ITS PREDECESSOR WHEN THERE IS NO COMMON OWNERSHIP OF THE TWO EMPLOYERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55508, which changes the title to read **S.B. 2012** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE UNEMPLOYMENT TAX CONTRIBUTION RATE OF A BANKRUPT COMPANY WHOSE ASSETS ARE SOLD IN A BANKRUPTCY SALE IS NOT TRANSFERRED TO A COMPANY THAT BUYS THE ASSETS OF THE BANKRUPT COMPANY AND SHARES NO COMMON OWNERSHIP WITH THE BANKRUPT COMPANY, is adopted and engrossed.

S.B. 2043, A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY RAISING THE REGISTRATION FEES FOR MORTGAGE LICENSING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65611, which changes the title to read **S.B. 2043** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY CHANGING THE REGISTRATION FEES FOR MORTGAGE LICENSING AND RENEWAL AND BY AUTHORIZING THE COMMISSIONER TO PARTICIPATE IN A NATIONAL LICENSING SYSTEM AND DATABASE, is adopted and engrossed.

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S.B. 2010 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE OF AN AIRCRAFT, 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, 65612, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 677, AN ACT AUTHORIZING THE TREASURER TO DESIGNATE A PERSON TO REPRESENT THE TREASURER ON THE STATE BOARD OF COMMUNITY COLLEGES AND TO MAKE A TECHNICAL CHANGE.

H.B. 2120, AN ACT TO STRENGTHEN THE OVERSIGHT ROLE OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; TO REPEAL THE LEGISLATIVE STUDY COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; TO DIRECT THE OVERSIGHT COMMITTEE TO STUDY CERTAIN ISSUES; AND TO MAKE A RECOMMENDATION REGARDING INCREASING HEALTH CARE COVERAGE TO INCLUDE MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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. 2891, A JOINT RESOLUTION HONORING THE 2006 STANLEY CUP CHAMPION CAROLINA HURRICANES HOCKEY CLUB. (Res. 13)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1965, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE STATUTORY PURPOSES FOR WHICH EMINENT DOMAIN MAY BE USED BY PRIVATE CONDEMNORS, LOCAL PUBLIC CONDEMNORS, AND OTHER PUBLIC CONDEMNORS, AND FOR CERTAIN REVENUE

June 22, 2006

BOND PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EMINENT DOMAIN POWERS, 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 80665, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

S.B. 1275, A BILL TO BE ENTITLED AN ACT TO EXPAND THE HEALTH CARE PERSONNEL REGISTRY BY AMENDING THE DEFINITIONS OF HEALTH CARE FACILITIES AND HEALTH CARE PERSONNEL, TO PROHIBIT THE EMPLOYMENT BY HEALTH CARE FACILITIES OF ANY PERSON WHO HAS A SUBSTANTIATED FINDING ON THE HEALTH CARE PERSONNEL REGISTRY, AND TO APPROPRIATE FUNDS TO THE DIVISION OF FACILITY SERVICES FOR STAFFING, AS RECOMMENDED BY THE 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 55509, which changes the title to read **S.B. 1275** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE HEALTH CARE PERSONNEL REGISTRY BY AMENDING THE DEFINITIONS OF HEALTH CARE FACILITIES AND HEALTH CARE PERSONNEL, AND TO APPROPRIATE FUNDS TO THE DIVISION OF FACILITY SERVICES FOR STAFFING, AS RECOMMENDED BY THE 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. 1280, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO EVALUATE THE USE OF TELEMONITORING EQUIPMENT, AS RECOMMENDED BY THE 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 15417, which changes the title to read **S.B. 1280** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO ESTABLISH A PILOT PROGRAM TO EVALUATE THE USE OF TELEMONITORING EQUIPMENT FOR HOME AND COMMUNITY BASED RECIPIENTS, AND AN ACT TO EXCLUDE CERTAIN ADULT DAY CARE FACILITIES FROM REGISTRATION AND LICENSURE REQUIREMENTS, is adopted and engrossed.

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CALENDAR *(continued)*

H.B. 1852, A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENTAL ENTITY OUTSIDE OF LINCOLN COUNTY MAY ANNEX ANY PORTION OF THAT COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO LINCOLN COUNTY.

The bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 2110, A BILL TO BE ENTITLED AN ACT TO REPEAL LOCAL ACTS CONCERNING HOSPITALS IN CRAVEN COUNTY.

The bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 1864 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FOSTER FAIR COMPETITION IN SCHOOL ATHLETICS IN CERTAIN COUNTIES.

The Committee Substitute bill passes its second (42-4) and third readings and is ordered enrolled.

S.B. 1157 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT 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, upon second reading.

The Committee Substitute bill No. 2 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for Monday, June 26, upon third reading.

S.B. 1203, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AGRARIAN GROWTH ZONES UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT.

The bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

S.B. 1210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MANDATE THAT CHILDREN ENTERING KINDERGARTEN OBTAIN A COMPREHENSIVE EYE EXAMINATION, THE GOVERNOR'S VISION CARE PROGRAM, AND THE GOVERNOR'S COMMISSION ON

EARLY CHILDHOOD VISION CARE; AND TO PROVIDE THAT FUNDS APPROPRIATED TO THE RESERVE FOR THE GOVERNOR'S VISION CARE PROGRAM SHALL REVERT TO THE GENERAL FUND.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1479, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1563 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS AND TO EXTEND THE SUNSET FOR A REFUND OF SALES AND USE TAXES PAID ON FUEL BY A QUALIFYING INTERSTATE PASSENGER AIR CARRIER.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1590 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES, AND TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 771 (Senate 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.

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 26.

H.B. 1074 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ADMITTING CHILDREN TO THE PUBLIC SCHOOLS.

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.

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H.B. 1094 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO STREAMLINE THE PROCESS FOR THE ISSUANCE OF AN IMPROVEMENT PERMIT OR AN AUTHORIZATION TO CONSTRUCT FOR AN ON-SITE SUBSURFACE WASTEWATER SYSTEM IN CERTAIN COUNTIES BY AUTHORIZING LOCAL HEALTH DEPARTMENTS, AUTHORIZED AGENTS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND LICENSED SOIL SCIENTISTS TO COMPLETE SOIL AND SITE EVALUATIONS IN THE PARTICIPATING COUNTIES.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 27.

H.B. 1908 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS GOVERNING THE EDUCATION OF CHILDREN WITH SPECIAL NEEDS.

The Senate Committee Substitute bill passes its second reading (46-1).

Senator Swindell objects to third reading of the bill. Pursuant to Rule 50, the President orders the bill placed on the Calendar for Monday, June 26, upon third reading.

WITHDRAWAL FROM CALENDAR

H.B. 1094 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO STREAMLINE THE PROCESS FOR THE ISSUANCE OF AN IMPROVEMENT PERMIT OR AN AUTHORIZATION TO CONSTRUCT FOR AN ON-SITE SUBSURFACE WASTEWATER SYSTEM IN CERTAIN COUNTIES BY AUTHORIZING LOCAL HEALTH DEPARTMENTS, AUTHORIZED AGENTS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND LICENSED SOIL SCIENTISTS TO COMPLETE SOIL AND SITE EVALUATIONS IN THE PARTICIPATING COUNTIES, placed on the Calendar for Tuesday, June 27.

Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Tuesday, June 27, and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Tuesday, June 27, and places it on today's Calendar.

CALENDAR *(continued)*

H.B. 2097, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE PROPERTY TAX LAWS.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

June 22, 2006

H.B. 1094 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO STREAMLINE THE PROCESS FOR THE ISSUANCE OF AN IMPROVEMENT PERMIT OR AN AUTHORIZATION TO CONSTRUCT FOR AN ON-SITE SUBSURFACE WASTEWATER SYSTEM IN CERTAIN COUNTIES BY AUTHORIZING LOCAL HEALTH DEPARTMENTS, AUTHORIZED AGENTS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND LICENSED SOIL SCIENTISTS TO COMPLETE SOIL AND SITE EVALUATIONS IN THE PARTICIPATING COUNTIES, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 329 (Conference Report), A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE, for adoption.

Upon motion of Senator Rand, the Conference Report is adopted (47-0) and the bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Dannelly, seconded by Senator Snow, the Senate adjourns subject to introduction of bills, receipt of Conference Reports and Committee Reports and reading of messages from the House of Representatives, to meet Monday, June 26, at 7:00 P.M.

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 Cowell, Hunt, Malone and Stevens:

S.J.R. 2063, A JOINT RESOLUTION HONORING THE CAROLINA HURRICANES HOCKEY TEAM, WINNERS OF THE 2006 NATIONAL HOCKEY LEAGUE CHAMPIONSHIP TROPHY, THE FAMED STANLEY CUP, NAMED FOR LORD STANLEY, THE EARL OF PRESTON AND GOVERNOR-GENERAL OF CANADA.

Referred to the **Rules and Operations of the Senate Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 21, 2006

June 22, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 602**, 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, and requests conferees, Speaker Black appoints:

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
June 21, 2006

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 for **S.B. 1741** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005; TO SET THE PUBLIC UTILITIES REGULATORY FEE AND THE INSURANCE REGULATORY CHARGE; TO AUTHORIZE A PRIVATE WELL-WATER TESTING FEE; TO CLARIFY FEES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICE FACILITIES; TO MAKE A TECHNICAL CORRECTION TO THE LICENSURE FEE CAP FOR REVIEW OF HEALTH CARE FACILITY CONSTRUCTION PROJECTS; TO REPEAL THE FEE FOR MINE SAFETY EDUCATION/TRAINING PROGRAMS; TO INCREASE THE PUBLIC WATER SYSTEMS ANNUAL OPERATING PERMIT FEES; TO IMPOSE PUBLIC WATER SYSTEM PLAN REVIEW FEES; TO LOWER THE STATE SALES AND USE TAX BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE JANUARY 1, 2007; TO LOWER THE UPPER INCOME TAX

June 22, 2006

RATE BY ONE-EIGHTH PERCENTAGE POINT EFFECTIVE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2007; TO PROVIDE FOR A HEALTH INSURANCE TAX CREDIT CAPPED AT \$200 PER ELIGIBLE EMPLOYEE; TO EXPAND THE DEFINITION OF A DEVELOPMENT ZONE TO INCLUDE AN ECONOMIC DEVELOPMENT AND TRAINING DISTRICT; TO EXTEND THE SUNSET ON AVIATION FUEL SOLD TO MOTORSPORTS RACING TEAMS; TO ENHANCE THE TAX BENEFITS RELATING TO ETHYL ALCOHOL AND BIODIESEL; TO PROVIDE FOR A SALES AND USE TAX BENEFIT FOR RESEARCH AND DEVELOPMENT COMPANIES; AND TO ELIMINATE SALES AND USE TAX REFUNDS FOR PURCHASES OF ALCOHOLIC BEVERAGES:

Representative Brubaker has been added.

Representative Wright has been appointed Chair of the Subcommittee on Capital.

Representatives Carney, Tolson, and Jeffus have been appointed Chairs of the Subcommittee on Education.

Representatives Glazier, Earl Jones, Underhill, and Sauls have been added to the Subcommittee on Education.

Representatives Adams and Goforth have been appointed Chairs of the Subcommittee on General Government.

Representative Faison has been added to the Subcommittee on General Government.

Representatives Insko and Barnhart have been appointed Chairs of the Subcommittee on Health and Human Services.

Representatives Weiss and Bordsen have been added to the Subcommittee on Health and Human Services.

Representatives Haire and Kiser have been appointed Chairs of the Subcommittee on Justice and Public Safety.

Representatives Ross, Spear and Justus have been added to the Subcommittee on Justice and Public Safety.

Representatives Hunter, Warren, and McAllister have been appointed Chairs of the Subcommittee on Natural and Economic Resources.

Representatives Harrell and Hill have been added to the Subcommittee on Natural and Economic Resources.

June 22, 2006

Representatives Cole and Coates have been appointed Chairs of the Subcommittee on Transportation.

Representatives Womble and Grady have been added to the Subcommittee on Transportation.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 12:31 P.M.

ONE HUNDRED FIFTY-FIFTH DAY

Senate Chamber
Monday, June 26, 2006

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 we hear or read the verse in Holy Scripture that says, 'We can do all things through you who strengthens us,' why do we add a personal asterisk? We can do all things through you except preach like Billy Graham or skate like the Carolina Hurricanes. We can do all things through you except sing like an American Idol. Yet on each day's calendar are introductions of bills that tell us that the Senators are thinkers of the positive and possible. That legislation might just help remove some of the asterisks from other people's lives. We never know when someone may catch a dream from us. We can do all things through you who strengthens us. Amen."

The Chair grants leaves of absence for tonight to Senator Apodaca, Senator Graham, Senator Holloman and Senator Smith.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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 Chair extends the privileges of the floor to Dr. Michael Brennan from Burlington, 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.

June 26, 2006

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 447, 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.

H.B. 1915, AN ACT TO INCORPORATE THE STREAMLINED SALES TAX DEFINITIONS CONCERNING TELECOMMUNICATIONS, TO SIMPLIFY THE TAX PAYMENT REQUIREMENTS FOR SEMIMONTHLY TAXPAYERS, AND TO TREAT TANGIBLE PERSONAL PROPERTY USED IN MODULAR HOMES THE SAME AS TANGIBLE PERSONAL PROPERTY USED IN OTHER HOMES.

H.B. 2097, AN ACT TO MAKE CLARIFYING CHANGES TO THE PROPERTY TAX LAWS.

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. 329, AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE.

S.B. 1265, AN ACT TO REPEAL THE PROHIBITION ON BEAR HUNTING IN PERQUIMANS COUNTY.

H.B. 1852, AN ACT PROVIDING THAT NO GOVERNMENTAL ENTITY OUTSIDE OF LINCOLN COUNTY MAY ANNEX ANY PORTION OF THAT COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO LINCOLN COUNTY.

H.B. 1864, AN ACT TO FOSTER FAIR COMPETITION IN SCHOOL ATHLETICS IN CERTAIN COUNTIES.

H.B. 2110, AN ACT TO REPEAL LOCAL ACTS CONCERNING HOSPITALS IN CRAVEN COUNTY.

H.B. 2273, AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON PUBLIC STREETS AND HIGHWAYS IN CURRITUCK COUNTY AND IN THE TOWNS OF CRAMERTON AND DALLAS, AND TO PERMIT LAW ENFORCEMENT OFFICER USE IN THE TOWN OF HIGHLANDS.

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S.J.R. 2060, A JOINT RESOLUTION HONORING THE MEMORY OF CHARLES JEWTRAW, THE FIRST AMERICAN SPEED SKATER TO WIN A GOLD MEDAL DURING THE 1924 WINTER OLYMPICS AND RECOGNIZING JOEY CHEEK, A TWO-TIME OLYMPIAN AND NORTH CAROLINA NATIVE. (Res. 14)

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. 1898, AN ACT TO MAKE CORPORATE INCOME TAX ADJUSTMENTS INAPPLICABLE TO S CORPORATIONS. (Became law upon approval of the Governor, June 21, 2006 - S.L. 2006-17.)

H.B. 1892, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS AND TO MAKE OTHER CHANGES TO MORE CLOSELY CONFORM TO FEDERAL TAX LAW. (Became law upon approval of the Governor, June 21, 2006 - S.L. 2006-18.)

H.B. 1938, AN ACT TO TREAT COMMERCIAL LOGGING MACHINERY THE SAME AS FARM MACHINERY UNDER THE SALES TAX. (Became law upon approval of the Governor, June 21, 2006 - S.L. 2006-19.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 2098 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE PROTECTION OF ANIMALS, 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 60836, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 2129 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMUNITY CONSERVATION ASSISTANCE PROGRAM IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

June 26, 2006

S.B. 1352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WATERFRONT ACCESS STUDY COMMITTEE AND TO DIRECT THE COMMITTEE TO STUDY THE LOSS OF DIVERSITY OF USES ALONG THE COASTAL SHORELINE OF NORTH CAROLINA AND HOW THESE LOSSES IMPACT ACCESS TO THE PUBLIC TRUST WATERS OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, 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, 55510, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 1991, A BILL TO BE ENTITLED AN ACT TO PROVIDE BALANCE AMONG THE COUNTIES IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 13, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75552, which changes the title to read **S.B. 1991** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE BALANCE AMONG THE COUNTIES IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 13 AND TO DIVIDE SUPERIOR COURT DISTRICT 13, is adopted and engrossed.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 1157 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT 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, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

June 26, 2006

S.B. 2043 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY CHANGING THE REGISTRATION FEES FOR MORTGAGE LICENSING AND RENEWAL AND BY AUTHORIZING THE COMMISSIONER TO PARTICIPATE IN A NATIONAL LICENSING SYSTEM AND DATABASE.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 27.

S.B. 1280 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO ESTABLISH A PILOT PROGRAM TO EVALUATE THE USE OF TELEMONITORING EQUIPMENT FOR HOME AND COMMUNITY BASED RECIPIENTS, AND AN ACT TO EXCLUDE CERTAIN ADULT DAY CARE FACILITIES FROM REGISTRATION AND LICENSURE REQUIREMENTS.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 2010 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE OF AN AIRCRAFT.

Without objection, Senator Brunstetter requests to be excused from voting on the bill due to a conflict of interest.

The Committee Substitute bill No. 2 passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 2012 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE UNEMPLOYMENT TAX CONTRIBUTION RATE OF A BANKRUPT COMPANY WHOSE ASSETS ARE SOLD IN A BANKRUPTCY SALE IS NOT TRANSFERRED TO A COMPANY THAT BUYS THE ASSETS OF THE BANKRUPT COMPANY AND SHARES NO COMMON OWNERSHIP WITH THE BANKRUPT COMPANY.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 771 (Senate 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.

Senator Albertson offers Amendment No. 1 which is adopted (45-0), and changes the title upon concurrence to read **H.B. 771** (Senate 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 AND TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE BOARDS OF TRUSTEES OF COMMUNITY COLLEGES.

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, for concurrence in the Senate Committee Substitute bill.

H.B. 1965 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE STATUTORY PURPOSES FOR WHICH EMINENT DOMAIN MAY BE USED BY PRIVATE CONDEMNORS, LOCAL PUBLIC CONDEMNORS, AND OTHER PUBLIC CONDEMNORS, AND FOR CERTAIN REVENUE BOND PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EMINENT DOMAIN POWERS.

Senator Berger of Rockingham offers Amendment No. 1.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is re-referred to the **Judiciary I Committee** with Amendment No. 1 pending.

H.B. 1908 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS GOVERNING THE EDUCATION OF CHILDREN WITH SPECIAL NEEDS.

The Senate Committee Substitute bill passes its third reading (44-1) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Jessie Ammons, Wake Forest; Margaret Anne Baker, Colerain; Melissa Bell, Gastonia; Ashley Lauren Berger, Eden; Elise Bohmer, Yanceyville; Elizabeth Borden, Goldsboro; Jasmine Brooks, Knightdale; Shannon Brooks, Knightdale; Blake Hamilton Clemmons, New Bern; Elizabeth Holliday Dobson, Mt. Pleasant; Andrew Fisher, Raleigh; Robert James Gmeiner, Yadkinville; Nelia Hamby, Kannapolis; Mary Hassell, Greensboro; Clair Kathryn Hilliard, Stoneville; Virginia Hughes, Goldsboro; Christopher Ilderton, High Point; Nicholas Johnson, Greensboro; Maria E. King, Greensboro; William Knowles, Reidsville; Brent Bussey Plyler, Raleigh; Michael Charles Qubein, High Point; Carlton Bland Royster, Jr., Wendell; Cameron Elizabeth Saunders, Cary; Joshua Harrington Snyder, Wilmington; Matthew Grainger Stewart, Greensboro; Taylor Thomas, High Point; Jackson Vickery, Chapel Hill and Maria Christina Willis, Hatteras.

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 tomorrow, Tuesday, June 27, at 2:00 P.M.

June 26, 2006

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 22, 2006

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 for **S.B. 1741** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005; TO SET THE PUBLIC UTILITIES REGULATORY FEE AND THE INSURANCE REGULATORY CHARGE; TO AUTHORIZE A PRIVATE WELL-WATER TESTING FEE; TO CLARIFY FEES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICE FACILITIES; TO MAKE A TECHNICAL CORRECTION TO THE LICENSURE FEE CAP FOR REVIEW OF HEALTH CARE FACILITY CONSTRUCTION PROJECTS; TO REPEAL THE FEE FOR MINE SAFETY EDUCATION/TRAINING PROGRAMS; TO INCREASE THE PUBLIC WATER SYSTEMS ANNUAL OPERATING PERMIT FEES; TO IMPOSE PUBLIC WATER SYSTEM PLAN REVIEW FEES; TO LOWER THE STATE SALES AND USE TAX BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE JANUARY 1, 2007; TO LOWER THE UPPER INCOME TAX RATE BY ONE-EIGHTH PERCENTAGE POINT EFFECTIVE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2007; TO PROVIDE FOR A HEALTH INSURANCE TAX CREDIT CAPPED AT \$200 PER ELIGIBLE EMPLOYEE; TO EXPAND THE DEFINITION OF A DEVELOPMENT ZONE TO INCLUDE AN ECONOMIC DEVELOPMENT AND TRAINING DISTRICT; TO EXTEND THE SUNSET ON AVIATION FUEL SOLD TO MOTORSPORTS RACING TEAMS; TO ENHANCE THE TAX BENEFITS RELATING TO ETHYL ALCOHOL AND BIODIESEL; TO PROVIDE FOR A SALES AND USE TAX BENEFIT FOR RESEARCH AND DEVELOPMENT COMPANIES; AND TO ELIMINATE SALES AND USE TAX REFUNDS FOR PURCHASES OF ALCOHOLIC BEVERAGES:

Representative Holliman has been added to the Subcommittee on General Government.

Representative Saunders has been added as a Chair to the Subcommittee on Transportation.

Respectfully,
S/Denise G. Weeks
Principal Clerk

June 26, 2006

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 1311 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR CONSUMPTION OF ALCOHOL ON RIVERS IN POLK COUNTY, for concurrence in the House Committee Substitute bill.

Referred to the **Finance Committee**.

S.B. 1734 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF HARRISBURG, for concurrence in the House Committee Substitute bill.

Referred to the **Finance Committee**.

H.B. 1820, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES.

Referred to the **Finance Committee**.

H.B. 1845 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE USE OF CONTRIBUTIONS TO CANDIDATES AND CANDIDATES' CAMPAIGN FUNDS TO THOSE RELATED TO CAMPAIGNS AND OFFICE-HOLDING DUTIES; TO PROHIBIT PERSONAL USE OF CONTRIBUTIONS BY CANDIDATES AND CANDIDATE CAMPAIGN COMMITTEES; AND TO STRENGTHEN REPORTING REQUIREMENTS TO PREVENT VIOLATIONS.

Referred to the **Judiciary I Committee**.

H.B. 2135, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SALE OF REAL PROPERTY WHICH WAS OWNED BY THE HIGH POINT ALCOHOLIC BEVERAGE CONTROL BOARD FROM THE REQUIREMENTS OF ARTICLE 12 OF CHAPTER 160A FOR SALES THAT OCCURRED IN 2002 AND 2005.

Referred to the **State & Local Government Committee**.

H.B. 2136, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF THE CITY OF HIGH POINT ABC BOARD MEMBERS FROM THREE TO FIVE AND TO ESTABLISH TERMS OF OFFICE FOR THE NEWLY APPOINTED MEMBERS.

Referred to the **State & Local Government Committee**.

H.B. 2148 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO REGULATE AND CONTROL ELECTROFISHING OF CATFISH ON THE CAPE FEAR RIVER IN BLADEN COUNTY.

Referred to the **State & Local Government Committee**.

June 26, 2006

H.B. 2421 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PIEDMONT TRIAD WATER AUTHORITY TO EMPLOY LAKE WARDENS WITH THE AUTHORITY OF PEACE OFFICERS.

Referred to the **State & Local Government Committee**.

H.B. 2491, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF CANDOR.

Referred to the **Finance Committee**.

H.B. 2524, A BILL TO BE ENTITLED AN ACT EXPANDING THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWN OF CHOCOWINITY.

Referred to the **Finance Committee**.

H.B. 2549, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS AND TO AUTHORIZE THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA.

Referred to the **Finance Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 2604, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY IN JOHNSTON COUNTY TO THE CORPORATE LIMITS OF THE TOWN OF CLAYTON.

Referred to the **Finance Committee**.

H.B. 2656 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES AND OTHER DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON.

Referred to the **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 2658 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK ISLAND TO IMPOSE A SEWER TREATMENT FEE.

Referred to the **Finance Committee**.

June 26, 2006

H.B. 2725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL.

Referred to the **Finance Committee**.

H.B. 2883 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT MILITARY SERVICEMEMBERS AND VETERANS FROM IDENTITY THEFT.

Referred to the **Commerce Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:51 P.M.

ONE HUNDRED FIFTY-SIXTH DAY

Senate Chamber
Tuesday, June 27, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Phillip Jones, Friendly Community Church, Burgaw, North Carolina as follows:

"Heavenly Father, today we pause from the busy activities of our schedules to acknowledge you, thankful for your provisions and humbled by your power. We confess our shortcomings and we thank you that where sin abounds grace does much more abound.

"As a citizen of this great State, I pray for this Senate body. I thank you that they have chosen the highest form of leadership, that of servant leadership. Today we pray for forgiveness to bridge the differences of yesterday, for wisdom to see beyond tomorrow and for guidance to get us through today. Thank you for great leaders, such as Queen Esther who stood up for the citizens of her day and acknowledged that she was born for such a time as this, embracing her purpose in life by giving back to the people, in standing by her convictions, and for laying her life on the line for others.

"Lord you tell us that every soul must be 'subject to governing authorities (that there is) no authority except from God, and that the authorities that exist are appointed by God.' I would ask that you would support these fine men and women in the awesome task they have in representing the great State of North Carolina. May these halls ring with justice, may this chamber resonate with prudence and may we enjoy the absolute best you have to offer.

"Now unto him who is able to do abundantly above all that we would ask and think, in the name of our Savior and Friend we pray. Amen."

June 27, 2006

The Chair grants leaves of absence for today to Senator Graham and Senator Lucas.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, June 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends the privileges of the floor to Dr. Joseph Langford from Asheville, North Carolina, who is serving the Senate as Doctor of the Day, and to Mickey Gonzalez from Durham, 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. 329, AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE. (Become law upon ratification, June 27, 2006 - S.L. 2006-20.)

S.B. 1265, AN ACT TO REPEAL THE PROHIBITION ON BEAR HUNTING IN PERQUIMANS COUNTY. (Became law upon ratification, June 27, 2006 - S.L. 2006-21.)

H.B. 1852, AN ACT PROVIDING THAT NO GOVERNMENTAL ENTITY OUTSIDE OF LINCOLN COUNTY MAY ANNEX ANY PORTION OF THAT COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO LINCOLN COUNTY. (Became law upon ratification, June 27, 2006 - S.L. 2006-22.)

H.B. 1864, AN ACT TO FOSTER FAIR COMPETITION IN SCHOOL ATHLETICS IN CERTAIN COUNTIES. (Became law upon ratification, June 27, 2006 - S.L. 2006-23.)

H.B. 2110, AN ACT TO REPEAL LOCAL ACTS CONCERNING HOSPITALS IN CRAVEN COUNTY. (Became law upon ratification, June 27, 2006 - S.L. 2006-24.)

H.B. 2273, AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON PUBLIC STREETS AND HIGHWAYS IN CURRITUCK COUNTY AND IN THE TOWNS OF CRAMERTON AND DALLAS, AND TO PERMIT LAW ENFORCEMENT OFFICER USE IN THE TOWN OF HIGHLANDS. (Became law upon ratification, June 27, 2006 - S.L. 2006-25.)

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H.B. 818, AN ACT RELATING TO THE CURRENT STATUS OF DRIVERS AS EMPLOYEES OR INDEPENDENT CONTRACTORS UNDER THE WORKERS' COMPENSATION ACT. (Became law upon approval of the Governor, June 27, 2006 - S.L. 2006-26.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

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, 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 10633, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1587 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS IN CERTAIN CIRCUMSTANCES; (4) PROVIDE THAT A PERSON WHO INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; (5) REMOVE DEER AND ELK FROM THE DEFINITION OF LIVESTOCK; (6) CLARIFY THAT THE FOR HIRE BLANKET COASTAL RECREATIONAL FISHING LICENSE IS ISSUED FOR THE FOR HIRE BOAT; (7) CLARIFY THAT SPECIAL LANDHOLDER AND GUEST FISHING LICENSES ONLY APPLY WHEN THE GUESTS ARE NONPAYING; (8) INCREASE THE TYPES OF LICENSES THAT THE WILDLIFE RESOURCES COMMISSION MAY ESTABLISH AS PERSONALIZED LICENSES; (9) CLARIFY THAT THE LIFETIME UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE IS A RESIDENT-ONLY LICENSE; (10) PROHIBIT THE DISCLOSURE OF PERSONAL IDENTIFYING INFORMATION COLLECTED BY THE WILDLIFE RESOURCES COMMISSION FOR LICENSING PURPOSES EXCEPT UNDER CERTAIN CIRCUMSTANCES; (11) AUTHORIZE THE MARINE FISHERIES COMMISSION TO EXEMPT CERTAIN ORGANIZED FISHING EVENTS FROM LICENSE REQUIREMENTS; AND (12) TO CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL

June 27, 2006

RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN, 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, 35435, which changes the title to read **S.B. 1587** (Committee Substitute No 2), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS IN CERTAIN CIRCUMSTANCES; (4) PROVIDE THAT A PERSON WHO MANUFACTURES, INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; (5) DELAY BY ONE YEAR THE EFFECTIVE DATE OF CERTAIN PROVISIONS OF S.L. 2005-384, AN ACT TO REQUIRE THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES; (6) REMOVE DEER AND ELK FROM THE DEFINITION OF LIVESTOCK; (7) CLARIFY THAT THE FOR HIRE BLANKET COASTAL RECREATIONAL FISHING LICENSE IS ISSUED FOR THE FOR HIRE BOAT; (8) CLARIFY THAT SPECIAL LANDHOLDER AND GUEST FISHING LICENSES ONLY APPLY WHEN THE GUESTS ARE NONPAYING; (9) INCREASE THE TYPES OF LICENSES THAT THE WILDLIFE RESOURCES COMMISSION MAY ESTABLISH AS PERSONALIZED LICENSES; (10) CLARIFY THAT THE LIFETIME UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE IS A RESIDENT-ONLY LICENSE; (11) PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION OBTAINED BY THE WILDLIFE RESOURCES COMMISSION, THE MARINE FISHERIES COMMISSION, AND THE DIVISION OF MARINE FISHERIES; (12) AUTHORIZE THE MARINE FISHERIES COMMISSION TO EXEMPT CERTAIN ORGANIZED FISHING EVENTS FROM LICENSE REQUIREMENTS; AND (13) CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 1284, A BILL TO BE ENTITLED AN ACT TO PERMIT THE LAW ENFORCEMENT OFFICERS TO USE ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS IN THE TOWN OF OCEAN ISLE BEACH, referred to the **Rules and Operations of the Senate Committee** on May 11.

June 27, 2006

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 bill to the **State & Local Government Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CAPITAL FACILITIES COSTS OF A PURCHASE OF LAND BY THE WILDLIFE RESOURCES COMMISSION AND TO FINANCE THE CAPITAL FACILITY COSTS OF STALL BARNs AT THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 29.

S.B. 2043 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY CHANGING THE REGISTRATION FEES FOR MORTGAGE LICENSING AND RENEWAL AND BY AUTHORIZING THE COMMISSIONER TO PARTICIPATE IN A NATIONAL LICENSING SYSTEM AND DATABASE.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 29.

S.B. 1352 (Committee Substitute No 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WATERFRONT ACCESS STUDY COMMITTEE AND TO DIRECT THE COMMITTEE TO STUDY THE LOSS OF DIVERSITY OF USES ALONG THE COASTAL SHORELINE OF NORTH CAROLINA AND HOW THESE LOSSES IMPACT ACCESS TO THE PUBLIC TRUST WATERS OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

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. 1991 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE BALANCE AMONG THE COUNTIES IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 13 AND TO DIVIDE SUPERIOR COURT DISTRICT 13.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

June 27, 2006

H.B. 2098 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE PROTECTION OF ANIMALS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Senator Snow offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (44-4) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

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, 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 80667, which changes the title upon concurrence to read **H.B. 126** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TIME-SENSITIVE TECHNICAL CORRECTIONS TO AMEND THE HANDGUN AND CONCEALED CARRY PERMIT STATUTES AND TO AMEND THE OSHA CIVIL PENALTIES STATUTE TO CLARIFY THE DISTINCTION BETWEEN SERIOUS AND NONSERIOUS VIOLATIONS MADE AMBIGUOUS IN 2004, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on the Calendar for immediate consideration.

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.

CALENDAR *(continued)*

H.B. 2129 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMUNITY CONSERVATION ASSISTANCE PROGRAM IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 28.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable William B. Miller, Sr., former Senator from Forsyth County.

June 27, 2006

CONFERENCE REPORT

Senator Kerr, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **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, 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 339, 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, House Committee Substitute Favorable 7/28/05, Fourth Edition Engrossed 8/23/05, submit the following report:

The House and the Senate agree to the following amendments to the Finance Committee Substitute Adopted 5/12/05, House Committee Substitute Favorable 7/28/05, Fourth Edition Engrossed 8/23/05:

On page 1, line 2, by rewriting the line to read:

"AN ACT AUTHORIZING CASWELL COUNTY AND THE TOWNS OF AHOSKIE, ELKIN, AND YANCEYVILLE TO LEVY"; and

On page 1, lines 8-9, by rewriting the lines to read:

"MARTIN." and

On page 12, lines 33-34, by deleting the lines and renumbering the remaining parts and sections accordingly; and

On page 15, line 22, by deleting "2006." and substituting "2007.";

And the Senate concurs in the House Committee Substitute, as amended.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 27, 2006.

June 27, 2006

Conferees for the Senate

S/John H. Kerr III, Chair
 S/David Hoyle
 S/Robert Lee Holloman
 Tom Apodaca

Conferees for the House of Representatives

S/Marian N. McLawhorn
 S/Jim Harrell, III
 Howard J. Hunter, Jr.
 S/Bill Faison
 S/Timothy L. Spear

The Conference Report, which changes the title, is placed on the Calendar for tomorrow, Wednesday, June 28.

Upon motion of Senator Basnight, seconded by Senator Atwater, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Wednesday, June 28, at 2:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
 June 27, 2006

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. 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, and requests conferees.

Speaker Black has appointed:

Representative Luebke, Chair
 Representative Wilkins, and
 Representative Daughtry

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

June 27, 2006

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 2047 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE CONSUMER CHOICE IN VIDEO SERVICE PROVIDERS AND TO ESTABLISH UNIFORM TAXES FOR VIDEO PROGRAMMING SERVICES.

Referred to the **Commerce Committee**.

H.B. 2060, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

Referred to the **Judiciary II Committee**.

H.B. 2125, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 2127, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF MOUNTAIN BOG STATE NATURAL AREA AND SANDY RUN SAVANNAS STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 2165 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES, AND TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 2188 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PROCEDURE FOR CHALLENGING THE QUALIFICATIONS OF A CANDIDATE.

Referred to the **Judiciary I Committee**.

H.B. 2208 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT CERTAIN STATUTORY CRITERIA RELATED TO GRANTS FROM THE CLEAN WATER MANAGEMENT TRUST FUND FOR WASTEWATER AND STORMWATER COLLECTION AND TREATMENT PROJECTS HAVE PRIORITY OVER CRITERIA

June 27, 2006

ESTABLISHED BY THE BOARD OF TRUSTEES OF THE CLEAN WATER MANAGEMENT TRUST FUND AND TO CLARIFY THE AUTHORITY OF THE BOARD OF TRUSTEES WITH RESPECT TO MATCH REQUIREMENTS IN CONNECTION WITH GRANT AWARDS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 2653, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN ALAMANCE COUNTY.

Referred to the **State & Local Government Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:57 P.M.

ONE HUNDRED FIFTY-SEVENTH DAY

Senate Chamber
Wednesday, June 28, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Rabbi Eric M. Solomon, Beth Meyer Synagogue, Raleigh, North Carolina as follows:

"Eloheinu v'Elohei Avoteinu v'Emoteinu..."

"Our God, God of our Forefathers and our Foremothers, as we stand here before you on this day, we are confronted with the sacred task of building a greater, safer, more compassionate, more just North Carolina, and we ask for your strength, your guidance and your voice. Among the cacophony of sounds in our world, we pray that we might hear your still, small voice and discern its message. Help us, O Holy One, to work together as one grand, blessed community that is united in helping North Carolina and our country at large realize its promise and its potential. Blessed are you, one of many names, who has granted us the privilege of this holy service. Amen."

The Chair grants leaves of absence for today to Senator Graham and Senator Lucas.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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.

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The Chair extends the privileges of the floor to Dr. Charles Boyette from Belhaven, North Carolina, who is serving the Senate as Doctor of the Day, and to Patti Ness from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 474, AN ACT TO PROVIDE A TAX CREDIT FOR REVITALIZATION OF HISTORIC MILL FACILITIES AND TO PROVIDE AN ENHANCED HISTORIC REHABILITATION CREDIT FOR REHABILITATION EXPENSES WITH RESPECT TO A FACILITY THAT WAS ONCE A STATE-OWNED TRAINING SCHOOL FOR JUVENILE OFFENDERS.

H.B. 1237, AN ACT TO REVISE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1328, AN ACT TO AUTHORIZE THE CITY OF SALUDA AND THE TOWN OF FAISON TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE CITY.

S.B. 1512, AN ACT TO RAISE THE FINE FOR OVERTIME PARKING FROM FIVE DOLLARS TO NO MORE THAN FIFTY DOLLARS IN THE CITY OF SANFORD.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 2051, A BILL TO BE ENTITLED AN ACT TO INCREASE ENERGY INDEPENDENCE IN NORTH CAROLINA BY PROMOTING THE CONSERVATION OF ENERGY AND WATER IN PUBLIC FACILITIES, BY PROMOTING THE USE OF ALTERNATIVE FUELS AND ADVANCED TECHNOLOGY VEHICLES IN STATE FLEETS, BY CREATING VARIOUS ENERGY-RELATED TAX INCENTIVES, AND TO APPROPRIATE FUNDS, 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 55512, which changes the title to read **S.B. 2051** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE ENERGY INDEPENDENCE IN NORTH CAROLINA THROUGH: (1) PROMOTION OF THE CONSERVATION OF ENERGY, WATER, AND OTHER UTILITIES IN PUBLIC FACILITIES; (2) PROMOTION OF THE USE OF ALTERNATIVE FUELS AND ADVANCED TECHNOLOGY VEHICLES IN STATE FLEETS; (3) PROVISION OF ENERGY ASSISTANCE TO LOW-INCOME PERSONS; (4) CREATION OF VARIOUS ENERGY-RELATED TAX INCENTIVES; (5) DEVELOPMENT OF A STRATEGIC PLAN FOR DEVELOPMENT OF A BIOFUELS INDUSTRY IN NORTH CAROLINA; AND (6) APPROPRIATION OF FUNDS, 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 **Appropriations/Base Budget Committee**.

By Senator Purcell for the **Health Care Committee**:

H.B. 2077 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST PRIVATE PROVIDERS TO DELIVER MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND 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 Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60837, which changes the title upon concurrence to read **H.B. 2077** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES WITH RESPECT TO THE IMPLEMENTATION OF MENTAL HEALTH REFORM, is adopted and engrossed.

By Senator Soles for 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, 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 50749, which changes the title upon concurrence to read **H.B. 1388** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO ISSUE PERMITS TO ALIEN DEBT COLLECTORS, is adopted and engrossed.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

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S.B. 339 (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING CASWELL COUNTY AND THE TOWNS OF AHOSKIE, ELKIN, AND YANCEYVILLE 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, for adoption.

Upon motion of Senator Kerr, the Conference Report is withdrawn from today's Calendar and is re-referred to the Conference Committee.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 1881, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF PINK HILL, with a favorable report.

Upon motion of Senator Hoyle, the rules are suspended and the bill is placed on today's Calendar.

H.B. 1913 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF RED CROSS, with a favorable report.

Upon motion of Senator Hoyle, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

H.B. 1992 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTIES TO THE CORPORATE BOUNDARIES OF THE TOWN OF SHALLOTTE, with a favorable report.

Upon motion of Senator Hoyle, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

By Senator East for the **State & Local Government Committee**:

S.B. 1793, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PENDER COUNTY COMMISSIONERS TO REDEFINE THE COMMISSIONERS' RESIDENCY DISTRICTS TO CORRECT POPULATION INEQUALITY, with a favorable report.

H.B. 1901 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE IREDELL-STATESVILLE SCHOOLS TO CONVEY CERTAIN PROPERTY TO A NONPROFIT CORPORATION TO ALLOW FOR ESTABLISHMENT OF THE BOYS AND GIRLS CLUB OF THE PIEDMONT ON THE SITE, with a favorable report.

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H.B. 2040 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE TO USE COMMISSION LABOR FOR THE CONSTRUCTION OF WATER AND SEWER UTILITY PROJECTS IN THE PHASE V ANNEXED AREAS OF THE CITY AND UNDER CERTAIN CIRCUMSTANCES AND WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR, with a favorable report.

H.B. 2324, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL TO REPEAL TERM LIMITS FOR THE OFFICE OF MAYOR, with a favorable report.

H.B. 2343, A BILL TO BE ENTITLED AN ACT TO EXEMPT STOKES COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, with a favorable report.

H.B. 1069, A BILL TO BE ENTITLED AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS FOR THE TOWN OF OAK ISLAND, 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 60841, which changes the title upon concurrence to read **H.B. 1069** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS FOR THE TOWN OF OAK ISLAND, is adopted and engrossed.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable Aaron W. Plyler, former Senator from Union County.

CALENDAR *(continued)*

H.B. 1048 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 1311 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR CONSUMPTION OF ALCOHOL ON RIVERS IN POLK COUNTY, referred to the **Finance Committee** on June 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the Calendar for Thursday, June 29, which motion prevails with unanimous consent.

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The Chair orders the House Committee Substitute bill withdrawn from the **Finance Committee** and places it on the Calendar for Thursday, June 29, for concurrence.

H.B. 2047 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE CONSUMER CHOICE IN VIDEO SERVICE PROVIDERS AND TO ESTABLISH UNIFORM TAXES FOR VIDEO PROGRAMMING SERVICES, referred to the **Commerce Committee** on June 27.

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 **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Commerce Committee** and re-refers the bill to the **Finance Committee**.

H.B. 1974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REEMPLOYMENT OF CERTAIN RETIRED COMMUNITY COLLEGE EMPLOYEES WHO WERE PROVIDED INCORRECT INFORMATION ABOUT THE WAITING PERIOD FOR REEMPLOYMENT, referred to the **Appropriations/Base Budget Committee** on June 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Pensions & Retirement and Aging 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 **Pensions & Retirement and Aging Committee**.

The Senate recesses at 2:37 P.M. for the purpose of a Pensions & Retirement and Aging Committee meeting to reconvene at 2:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

WITHDRAWAL FROM COMMITTEE

H.B. 1825, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEPARTMENT OF TRANSPORTATION SECONDARY ROAD CONSTRUCTION FORMULA, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, referred to the **Appropriations/Base Budget Committee** on June 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Thursday, June 29, which motion prevails with unanimous consent.

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The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Thursday, June 29.

S.B. 1422, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH SENATORIAL DISTRICT, 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 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 bill to the **State & Local Government Committee**.

S.B. 1444, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM, 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 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 bill to the **State & Local Government Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

H.B. 1974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REEMPLOYMENT OF CERTAIN RETIRED COMMUNITY COLLEGE EMPLOYEES WHO WERE PROVIDED INCORRECT INFORMATION ABOUT THE WAITING PERIOD FOR REEMPLOYMENT, with a favorable report.

CALENDAR *(continued)*

S.B. 1381 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NC TURNPIKE AUTHORITY TO CONVERT CERTAIN FREE HIGHWAYS CONTIGUOUS TO EXISTING OR PLANNED TOLL FACILITIES, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS.

The Committee Substitute bill passes its second (45-3) and third readings and is ordered sent to the House of Representatives.

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S.B. 1587 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS IN CERTAIN CIRCUMSTANCES; (4) PROVIDE THAT A PERSON WHO MANUFACTURES, INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; (5) DELAY BY ONE YEAR THE EFFECTIVE DATE OF CERTAIN PROVISIONS OF S.L. 2005-384, AN ACT TO REQUIRE THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES; (6) REMOVE DEER AND ELK FROM THE DEFINITION OF LIVESTOCK; (7) CLARIFY THAT THE FOR HIRE BLANKET COASTAL RECREATIONAL FISHING LICENSE IS ISSUED FOR THE FOR HIRE BOAT; (8) CLARIFY THAT SPECIAL LANDHOLDER AND GUEST FISHING LICENSES ONLY APPLY WHEN THE GUESTS ARE NONPAYING; (9) INCREASE THE TYPES OF LICENSES THAT THE WILDLIFE RESOURCES COMMISSION MAY ESTABLISH AS PERSONALIZED LICENSES; (10) CLARIFY THAT THE LIFETIME UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE IS A RESIDENT-ONLY LICENSE; (11) PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION OBTAINED BY THE WILDLIFE RESOURCES COMMISSION, THE MARINE FISHERIES COMMISSION, AND THE DIVISION OF MARINE FISHERIES; (12) AUTHORIZE THE MARINE FISHERIES COMMISSION TO EXEMPT CERTAIN ORGANIZED FISHING EVENTS FROM LICENSE REQUIREMENTS; AND (13) CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN.

The Committee Substitute bill No. 2 passes its second (47-1) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 2129 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMUNITY CONSERVATION ASSISTANCE PROGRAM IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

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H.J.R. 2890, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUGH MORTON.

Upon motion of Senator Rand, the joint resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Rand, the joint resolution is read in its entirety and, upon motion of Senator Forrester, the remarks of the members are spread upon the Journal, as follows:

Senator Garwood:

“Ladies and gentlemen of the Senate and guests, you have just heard read the resolution of a giant of a man, a leader in every area of life that he touched, not in a grandiose way, but in a somewhat of a low profile way, but he was not a low-profile man because he did too many things, served in too many areas and in a manner that’s above reproach and high esteem. He was a good man. I had the privilege of representing Avery County for six years in my tenure here and I had the occasion to serve Grandfather Mountain, the people there and Hugh Morton himself. He was a gentle man and a man you had to admire because of the way he handled himself. Of all the things that he did, he never lost the common touch and that is admirable for any of us. It’s my pleasure to stand and speak to this resolution. All of the people in his organization there were outstanding in one way or another and so receptive to being nice to everybody, including myself, who was trying to represent them in whatever way they needed. I also had the privilege of serving with his wife, Julia, on the UNC Board of Governors for a number of years and she is a lovely lady, a lady in every sense of the word and I wanted to share those thoughts with you because we lost an outstanding man when we lost Hugh Morton. Thank you very much.”

Senator Boseman:

“Members of the Senate and guests, it gives me great honor to stand here today representing Wilmington as we honor Mr. Morton today. The contributions that he has made to this State and to my community in Wilmington are just limitless. We have had hundreds of thousands of children visit the USS North Carolina and this is because the USS North Carolina is there because of the efforts of Mr. Morton. Every year in Wilmington we have a little event we call the Azalea Festival. It brings in hundreds of thousands of guests to our State and it brings in hundreds of thousands of dollars. What this man has done for our community and for this State in preserving its natural resources and taking the time and looking through the, looking as a photographer, which we could all use a little help, with photographers here and there, but it has been a great honor to know this man, to know his family and I commend this resolution to you.”

Senator Presnell:

“Madame President and members of the Senate, we have placed on your desk today a copy from the *Avery Journal* and I think that the words are very fitting. You know a lot of the folks as we travel around the mountains will say, and I have heard this comment here: ‘Here is the mountain man.’ But in this insert

you'll see Hugh Morton was a man, a mountain of a man. So with the family that's here, Madame President, at the appropriate time if you would introduce them and I would recommend this resolution to you. Thank You."

Senator Rand:

"It's a phenomenal thing to sit here and listen to this resolution and the things that Hugh Morton did, but he did so much more. The resolution doesn't even mention Mildred the Bear. I loved Mildred. I think every child in North Carolina did as he made all of nature's wonders available to us in so many ways. His photography was unbelievable. Photography, I think, is a work of art, just as painting and music is and he really was North Carolina's Monet, I guess, because of the way he showed it to us through his eyes and the lens of his camera. It was truly amazing and he loved Carolina. He was always on the sidelines taking pictures and it meant so much to us to see those pictures, but I think it meant more to him taking the pictures because he did love it. Then just what he did for clean air and acid rain. He really brought home to all of us just what it meant and what it was doing to his beloved mountains. He would show you what was happening to the vegetation at the high altitudes there. The Scottish Games, of course, at Grandfather Mountain is a wonderful thing for heritage and for the western part of our State. We are just lucky to have people like Hugh Morton. You can't replace him. His vision and his commitment to everything that was good about North Carolina is truly amazing, but we can remember what he did, what he stood for, how he fought so hard in the Mountains, on the Coast, and everywhere in North Carolina to celebrate the beautiful place where we all live and try to preserve it for us. I think he certainly wanted us to be better than we are in that regard because he knew how important it was. I count some of my prized possessions photographs of the mountains he took and I think this will be a constant reminder for me of a wonderful spirit who celebrated what North Carolina really is. Thank You."

Senator Allran:

"I looked at the resolution and looked at the newspaper article that was placed on our desk and I thought how incredibly amazing this individual was, but I think if I had to sum up what is really unique about Hugh Morton it would be that he was somebody who was a very, very successful businessman and a very successful economic developer, but at the same time he was a great conservationist. What he did in conserving Grandfather Mountain in Western North Carolina is such a legacy for everyone. In terms of what that has done for us in terms of economic development, if he had not preserved Grandfather Mountain and not been such a conservationist, we would have lost all that great national treasure that is wonderful for conservation, but has also meant countless numbers of jobs and tourism in that section of the State. He had enough sense to fight for the Ridge Law. If he had not done that and we had not voted for the Ridge Law here at the General Assembly, the mountains would have been trashed. It's not that he just liked Western North Carolina, he did just as much for the east. I didn't have the privilege of knowing Mr. Morton but I did have the privilege of meeting him. I

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met him here once on the floor of the Senate when he was here and I was awed by that and then I got to meet him again and be around him a little bit in Eastern North Carolina when I was there for the work that he was doing on behalf of the coast. He did just as much for the Hatteras Lighthouse and so in closing I would just like to say that I would like us to think about how unusual it is, how special it is to have somebody who could be so successful at business and such a great boon to economic development while coupling that totally with being a true conservationist. Thank you.”

Senator Albertson:

“In all honesty I did not know Mr. Morton very well. I had met him just briefly on two or three occasions, but what I will always remember about him is that we had an environmental review committee meeting in Asheville, Senator Nesbitt, a few years back. That was before we did the Clean Smoke Stacks bill and I looked there in the audience and there was Mr. Morton. He was sitting on the front row. He was there to show his support for efforts that we might take to make our mountains more beautiful by cleaning up the smog and pollution and I will always remember him doing that. As you read about this man, I think that it is obvious to all of us that he did not think about what he could get out of life so much for himself. I think that he understood what life was really about and that it was about giving back to the community and to the State to make our State a better place for all of our people and I think that is about the greatest thing that you could say about a human being. He was a great North Carolinian, no doubt about it. He set an example that many of us would do well to emulate, I think. Thank you.”

Senator Basnight:

“Thank you, Madame President and members of the Senate. I was sitting here punishing myself for not calling Hugh Morton after speaking to his wife one night. He was asleep and she didn’t feel that he should be awakened that evening and that he needed to rest and she and I talked for a long period of time and I hung up with the knowledge that I would call him back the next day and I did not do that and I regret that now. But the thoughts that I offer you today about his contribution to all the people of this State are, I believe, very important. When you recognize people that come before us and we do it so many different times and each and everyone in different ways has made some form of contribution in their community or towards the betterment of mankind in this State. But as I reflect on those that have been here and as my memory best gives me that history, I can’t think of one that has given more than he has to us as a people in our environment that we live in. It is in every stream and into its very endings in South Carolina or in our State or as it’s crossed our State that he has improved what it means to us. He believed in clean air and clean water. He believed that they should be alive with what nature gives us. He came to the Outer Banks many, many years ago. Aycock Brown once spoke of Hugh Morton and I didn’t know who Hugh Morton was at that time and I was very young, but I was on the Tourism Board and he talked about Hugh Morton and the contribution that he made in the mountains and what he was trying to do to preserve and to protect the

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Outer Banks from what was occurring where I lived and all I could think is that you needed to develop even more than what we could see a hundred years from now. Our Lighthouse got into trouble and as the good Senator from Wilmington said, he preserved and protected a part of the heritage of our history of the military when he fought for the preservation of the battleship USS North Carolina and the beginning of the Azalea Festival in Wilmington. But he also stood for that tallest of all lighthouses in America, the one beacon that stood out above all of those that was about to fall into the ocean. He brought international attention to that light and this is a man from the mountains who really had no reason to be there, no gain other than a true love for what is right and what should occur and what should protect the history and the past. That maritime industry was there before all of us and yet we couldn't see it and it took a man like Hugh Morton to bring that to our attention. He collected all this money from the school kids from across North Carolina to protect that light and he accumulated those dollars and got the first attempt to protect that property before us and I believe without Hugh Morton we wouldn't have it today. You know that this man believed not just in Mildred the Bear, but in everything that lived on the face of the earth. He cared for all of us. I wish I could speak to him and I know he is listening to what all of us have to say today and he'll listen for evermore because he is in that place that we hope to be one day. So God bless and Godspeed to a good and great common man, Hugh Morton. Thank You."

Lieutenant Governor:

"Members of the Senate, I hardly ever do this but I would ask you just to allow me to say on behalf of you all how much we loved Hugh Morton. I was lucky enough, Senator Basnight, to talk with him four or five weeks just before his death. Julia and I talked briefly and Hugh and I had a little discussion over the lottery vote and I said, 'Hugh, are you ever going to forgive me?' and he said, 'Maybe Bev, maybe.' He was a common man, I guess. When I was a little girl, Marc, Momma and Daddy would go on one vacation a year and we drove over those mountains in Grundy and we went to Mystery Hill and to Blowing Rock and Daddy said lets go look at this thing called Grandfather Mountain and we saw it for the first time and I can remember maybe ten or fifteen years later my Daddy saying that this Hugh Morton was a brain. We have all these mountains up here and none of us were ever smart enough to do anything with them and this man is making big money out of them. Hugh had a way of finding the best of us in each of us who are ordinary and he helped us become extraordinary. I often wonder, as Senator Rand said, how you replace somebody like Hugh Morton. As I look around at you all and hear what you say and see these young pages and these kids across the State, Hugh Morton helped plant the seeds of greatness in so many of us. For that Julia and for the fact that every time I ate with him he always called you up and asked you what you wanted for lunch at the mountains. I say that he was a great family man, too. So on behalf of the North Carolina people, we thank you for sharing his life with us, the people of this State."

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The joint resolution passes its second reading (48-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Presnell, the President extends the courtesies of the gallery to Mrs. Hugh Morton, Jim Morton, Pansy Morton, Crae Morton and Jack Morton.

CALENDAR *(continued)*

H.B. 1881, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF PINK HILL, placed earlier on today's Calendar, 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, June 29, upon third reading.

H.B. 1913 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF RED CROSS, placed earlier on today's Calendar, 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, June 29, upon third reading.

H.B. 1992 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTIES TO THE CORPORATE BOUNDARIES OF THE TOWN OF SHALLOTTE, placed earlier on today's Calendar, upon second reading.

The Committee Substitute bill passes its second 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, June 29, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

H.B. 2200 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE EMBARGO AUTHORITY OF THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH DIRECTORS AND TO DIRECT THE DEVELOPMENT OF A STATE PLAN TO PROTECT THE FOOD SUPPLY FROM INTENTIONAL CONTAMINATION, with a favorable report.

H.B. 1502 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOLCHILDREN'S HEALTH ACT OF 2005, 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 80669, which changes the title upon concurrence to read **H.B. 1502** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOLCHILDREN'S HEALTH ACT OF 2006, is adopted and engrossed.

By Senator East for the **State & Local Government Committee**:

S.B. 1284, A BILL TO BE ENTITLED AN ACT TO PERMIT THE LAW ENFORCEMENT OFFICERS TO USE ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS IN THE TOWN OF OCEAN ISLE BEACH, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15420, which changes the title to read **S.B. 1284** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE LAW ENFORCEMENT OFFICERS TO USE ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS IN THE TOWNS OF OCEAN ISLE BEACH AND SURF CITY, is adopted and engrossed.

Upon motion of Senator East, the Committee Substitute bill is re-referred to the **Finance Committee**.

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H.B. 2027 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF BENSON, CASWELL BEACH AND TABOR CITY TO REGULATE GOLF CARTS, 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 50753, which changes the title upon concurrence to read **H.B. 2027** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF BENSON, CASWELL BEACH, AND TABOR CITY TO REGULATE GOLF CARTS, is adopted and engrossed.

Upon motion of Senator East, the Senate Committee Substitute bill is referred to the **Finance Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

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.

Pursuant to the message from the House of Representatives received yesterday, Tuesday, June 27, that the House fails to concur in the Senate Committee Substitute bill for H.B. 945 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chair, Senator Hartsell and Senator Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Jacumin, the Senate adjourns subject to receipt of messages from the House of Representatives, Conference Reports, Committee Reports and appointment of Conferees and in memory of Mr. Hugh Morton, to meet tomorrow, Thursday, June 29, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 1121 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 29, for concurrence.

S.B. 1738 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TRIAL REHABILITATION PERIODS FOR PERSONS WHO HAVE BEEN RECEIVING LONG-TERM DISABILITY

June 28, 2006

BENEFITS UNDER THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO ALLOW THOSE PERSONS TO ATTEMPT A RETURN TO WORK WITHOUT BEING PENALIZED, AND TO EXTEND THE EFFECTIVE DATE OF CHANGES TO THE DISABILITY PLAN, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 29, for concurrence.

H.B. 853 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE FOR PERIODS OF SERVICE UNDER THE OPTIONAL RETIREMENT PROGRAM FOR STATE INSTITUTIONS OF HIGHER EDUCATION.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 1987 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTORY BASIC AND STANDARD HEALTH PLANS FOR SMALL EMPLOYERS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HEALTH CARE.

Referred to the **Health Care Committee**.

H.B. 2015, A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF BATH.

Referred to the **State & Local Government Committee**.

H.B. 2223 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 2292 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON BEAR HUNTING IN PERQUIMANS COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 2405 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP OF THE RUTHERFORD COUNTY BOARD OF EDUCATION BY ADDING AN AT-LARGE MEMBER AND ALLOW THE CHAIRMAN TO VOTE ON ALL ISSUES BEFORE THAT BOARD.

Referred to the **State & Local Government Committee**.

H.B. 2406, A BILL TO BE ENTITLED AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE RUTHERFORD COUNTY BOARD OF EDUCATION.

Referred to the **State & Local Government Committee**.

H.B. 2445, A BILL TO BE ENTITLED AN ACT TO AMEND THE OCCUPANCY TAX IN HALIFAX COUNTY.

Referred to the **Finance Committee**.

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H.B. 2526, A BILL TO BE ENTITLED AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.
Referred to the **State & Local Government Committee**.

H.B. 2570, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.
Referred to the **State & Local Government Committee**.

H.B. 2651, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ROTH 401K CONTRIBUTIONS FOR LAW ENFORCEMENT OFFICERS.
Referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.B. 1295, A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR CONSUMERS WHO RECEIVE UNSOLICITED FACSIMILES, with a favorable report.

Upon motion of Senator Rand, the bill is re-referred to the **Judiciary II Committee**.

H.J.R. 1818, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE NORTH CAROLINA CONSUMER FINANCE ACT TO VARIOUS LENDING SUBTERFUGES, with a favorable report.

S.R. 2061, A SENATE RESOLUTION ADOPTING AN OFFICIAL COAT OF ARMS AND SEAL, with a favorable report as to adoption.

By Senator Hoyle for the **Finance Committee**:

H.B. 2491, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF CANDOR, with a favorable report.

H.B. 2524, A BILL TO BE ENTITLED AN ACT EXPANDING THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWN OF CHOCOWINITY, with a favorable report.

H.B. 2549, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN

OF LANDIS AND TO AUTHORIZE THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA, with a favorable report.

H.B. 2656 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES AND OTHER DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON, with a favorable report.

H.B. 2658 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK ISLAND TO IMPOSE A SEWER TREATMENT FEE, with a favorable report.

H.B. 2725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, with a favorable report.

S.B. 1458, A BILL TO BE ENTITLED AN ACT TO EXPAND THE ROYALTY INCOME REPORTING OPTION TO INCLUDE ADDITIONAL TYPES OF INTANGIBLE 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 55515, which changes the title to read **S.B. 1458** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF G.S. 105-550 TO PERMIT THE USE OF THE VEHICLE RENTAL TAX BY CERTAIN REGIONAL PUBLIC TRANSPORTATION ENTITIES THAT OPERATE BY INTERLOCAL AGREEMENT AMONG THE MUNICIPALITIES IN A SINGLE COUNTY, 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
June 28, 2006

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. 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, and requests conferees.

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Speaker Pro Tempore Morgan has appointed:

Representative Insko, Chair
Representative Preston
Representative Ross
Representative Wilkins
Representative Farmer-Butterfield

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. 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.

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. 128 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair; Senator Cowell; Senator Kinnaird; 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.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1283 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TREATMENT OF DEFERRED TAX ASSETS IN

June 28, 2006

THE COMPUTATION OF THE FRANCHISE TAX CAPITAL BASE AND TO INCREASE THE ADMINISTRATIVE EFFICIENCY OF THE UNIVERSITY OF NORTH CAROLINA BY EXEMPTING IT FROM LAWS GOVERNING CONSULTANT SERVICES, ALLOWING THE BOARD OF GOVERNORS TO DELEGATE MORE AUTHORITY TO THE PRESIDENT OF THE UNIVERSITY OF NORTH CAROLINA, AND CHANGING ITS REPORTING DATES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 29, for concurrence.

H.B. 2259 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ELKIN, PILOT MOUNTAIN, AND DOBSON TO LEVY A SIX PERCENT ROOM OCCUPANCY TAX.

Referred to the **Finance Committee**.

H.B. 2477, A BILL TO BE ENTITLED AN ACT AMENDING THE DURHAM COUNTY ROOM OCCUPANCY TAX PROVISIONS.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 6:00 P.M.

ONE HUNDRED FIFTY-EIGHTH DAY

Senate Chamber
Thursday, June 29, 2006

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, during budget negotiations some stories are worth hearing again. Seems that Abraham Lincoln was hired to sue someone over a \$2.50 debt. Mr. Lincoln didn't want to do it but his client insisted. So Abe asked for a fee of \$10.00 up front. He then gave \$5.00 to the defendant, who promptly paid his debt and everyone went home happy. The Senate and House conferees may not have such an easy solution to the final hurdles in their budget negotiations, but Mr. Lincoln offers a good example of how divine guidance in arbitration and reconciliation works. Amen."

The Chair grants leaves of absence for today to Senator Graham, Senator Lucas, Senator Pittenger, Senator Rand and Senator Smith.

June 29, 2006

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, June 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends the privileges of the floor to Dr. Michael Lancaster from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Shonda Stacey from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 688, AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS.

H.B. 836, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PROGRAMS FOR USE IN SCHOOLS ON THE MEANING AND IMPORTANCE OF MEMORIAL DAY.

H.B. 1074, AN ACT TO CLARIFY THE PROCEDURE FOR ADMITTING CHILDREN TO THE PUBLIC SCHOOLS.

H.B. 2129, AN ACT TO ESTABLISH THE COMMUNITY CONSERVATION ASSISTANCE PROGRAM IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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. 1506, AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

S.B. 1526, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF REIDSVILLE.

S.B. 1852, AN ACT TO INCORPORATE THE TOWN OF MIDWAY.

S.B. 1905, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE.

H.J.R. 2890, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUGH MORTON. (Res. 15)

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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. 1328, AN ACT TO AUTHORIZE THE CITY OF SALUDA AND THE TOWN OF FAISON TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE CITY. (Became law upon ratification, June 28, 2006 - S.L. 2006-27.)

S.B. 1512, AN ACT TO RAISE THE FINE FOR OVERTIME PARKING FROM FIVE DOLLARS TO NO MORE THAN FIFTY DOLLARS IN THE CITY OF SANFORD. (Became law upon ratification, June 28, 2006 - S.L. 2006-28.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 2195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIABILITY PROTECTION FOR HEALTH CARE WORKERS WHEN RESPONDING TO IN-STATE INCIDENTS OUTSIDE THEIR HOSPITAL OR NORMAL JURISDICTION AS MEMBERS OF A STATE MEDICAL ASSISTANCE TEAM, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 2165, 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, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 1584, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO EXPEDITE THE ASSESSMENT AND CLEANUP OF DISCHARGES AND RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS AND TO FACILITATE THE TRANSITION TO RELIANCE ON PRIVATE INSURANCE, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO COVER INCREASED PROGRAM OPERATING COSTS AND THE COSTS OF ANY LEGISLATIVE SALARY INCREASE FOR

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PERSONNEL WHO ADMINISTER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15422, which changes the title to read **S.B. 1584** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO COVER INCREASED PROGRAM OPERATING COSTS AND THE COSTS OF ANY LEGISLATIVE SALARY INCREASE FOR PERSONNEL WHO ADMINISTER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 2056, A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO ADOPT RULES CONCERNING PERMITTING INSPECTION AND TESTING OF PRIVATE WATER SUPPLY WELLS AND WELLS SERVING TRANSIENT WATER SYSTEMS AND TO APPROPRIATE FUNDS FOR LOCAL WELL INSPECTION AND TESTING 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 15423, which changes the title to read **S.B. 2056** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERMITTING AND INSPECTION OF NEW PRIVATE DRINKING WATER WELLS AND TO REQUIRE WATER QUALITY TESTING OF PRIVATE DRINKING WATER WELLS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 2127, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF MOUNTAIN BOG STATE NATURAL AREA AND SANDY RUN SAVANNAS STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50754, which changes the title upon concurrence to read **H.B. 2127** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF MOUNTAIN BOG STATE NATURAL AREA AND SANDY RUN SAVANNAS STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE PARK AT CABIN LAKE, is adopted and engrossed.

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By Senator Kerr for the **Finance Committee**:

S.B. 1187, A BILL TO BE ENTITLED AN ACT TO SPECIFY THE TRYON PALACE HISTORIC SITES AND GARDENS FUND AS A SPECIAL, INTEREST-BEARING TRUST FUND, with a favorable report.

S.B. 1487 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE 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 AS A DENTAL HYGIENIST, AND AUTHORIZING THE BOARD TO CHARGE THE ACTUAL COST OF THE THIRD-PARTY TESTING SERVICE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, with a favorable report.

Upon motion of Senator Kerr, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1964, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INTERNET DATA CENTER FACILITIES FROM SALES AND USE TAXES, with a favorable report.

H.B. 1989 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF PRINCETON AND SMITHFIELD, with a favorable report.

H.B. 2289, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEVILLE RELATING TO AN AGREEMENT MAKING A FULL AND FINAL SETTLEMENT OF DISPUTED MATTERS RELATING TO THE AMOUNT OF FRANCHISE TAX DUE THE CITY BY TWO PUBLIC UTILITIES, with a favorable report.

H.B. 2604, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY IN JOHNSTON COUNTY TO THE CORPORATE LIMITS OF THE TOWN OF CLAYTON, with a favorable report.

Upon motion of Senator Kerr, the rules are suspended and the bill is placed on today's Calendar.

S.B. 2009, A BILL TO BE ENTITLED AN ACT TO ALLOW CAPITAL LEASE FINANCING FOR 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 85484, is adopted and engrossed.

H.B. 1993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING SPECIAL REGISTRATION PLATES: CAROLINA'S

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AVIATION MUSEUM, EMT, FOX HUNTING, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE, 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 60839, which changes the title upon concurrence to read **H.B. 1993** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; AND TO REPEAL THE SUNSET ON THE HARLEY OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 1834, A BILL TO BE ENTITLED AN ACT TO CHANGE THE BONDING REQUIREMENTS FOR UP TO TWO DEPARTMENT OF TRANSPORTATION PERFORMANCE-BASED CONTRACTS FOR ROUTINE MAINTENANCE AND OPERATIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with a favorable report.

H.B. 1835, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE STANDARD DEPARTMENT OF TRANSPORTATION CONTRACT PROVISIONS ON DIFFERING SITE CONDITIONS, SUSPENSIONS OF WORK, AND CHANGES IN CHARACTER OF WORK, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with a favorable report.

By Senator Bingham for the **Health Care Committee**:

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, 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 50752, which changes the title upon concurrence to read **H.B. 1301** (Senate 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, AND STRENGTHENING THE AUTHORITY OF THE NORTH CAROLINA MEDICAL BOARD TO DISCIPLINE PHYSICIANS AND CERTAIN OTHERS, AND DESIGNATING INFORMATION RELEASED TO PATIENT SAFETY ORGANIZATIONS AS CONFIDENTIAL, AND ALLOWING CERTAIN GROUPS TO PRACTICE AS PROFESSIONAL CORPORATIONS, 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.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 1458 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF G.S. 105-550 TO PERMIT THE USE OF THE VEHICLE RENTAL TAX BY CERTAIN REGIONAL PUBLIC TRANSPORTATION ENTITIES THAT OPERATE BY INTERLOCAL AGREEMENT AMONG THE MUNICIPALITIES IN A SINGLE COUNTY.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Friday, June 30.

H.B. 1881, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF PINK HILL, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Presnell, Purcell, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1913 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF RED CROSS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman,

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Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Presnell, Purcell, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1992 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTIES TO THE CORPORATE BOUNDARIES OF THE TOWN OF SHALLOTTE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Presnell, Purcell, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 2604, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY IN JOHNSTON COUNTY TO THE CORPORATE LIMITS OF THE TOWN OF CLAYTON, placed earlier on today's Calendar, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Presnell, Purcell, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Friday, June 30, upon third reading.

H.B. 2491, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF CANDOR, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Presnell, Purcell, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Friday, June 30, upon third reading.

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H.B. 2549, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS AND TO AUTHORIZE THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Presnell, Purcell, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Friday, June 30, upon third reading.

H.B. 2656 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES AND OTHER DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Presnell, Purcell, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Friday, June 30, upon third reading.

H.B. 2658 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK ISLAND TO IMPOSE A SEWER TREATMENT FEE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Presnell, Purcell, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Friday, June 30, upon third reading.

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H.B. 2725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Presnell, Purcell, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Friday, June 30, upon third reading.

S.B. 1793, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PENDER COUNTY COMMISSIONERS TO REDEFINE THE COMMISSIONERS' RESIDENCY DISTRICTS TO CORRECT POPULATION INEQUALITY.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 1069 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS FOR THE TOWN OF OAK ISLAND.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1901 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE IREDELL-STATESVILLE SCHOOLS TO CONVEY CERTAIN PROPERTY TO A NONPROFIT CORPORATION TO ALLOW FOR ESTABLISHMENT OF THE BOYS AND GIRLS CLUB OF THE PIEDMONT ON THE SITE.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled.

H.B. 2324, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL TO REPEAL TERM LIMITS FOR THE OFFICE OF MAYOR.

The bill passes its second (45-0) and third readings and is ordered enrolled.

H.B. 2343, A BILL TO BE ENTITLED AN ACT TO EXEMPT STOKES COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

The bill passes its second (45-0) and third readings and is ordered enrolled.

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H.B. 2524, A BILL TO BE ENTITLED AN ACT EXPANDING THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWN OF CHOCOWINITY.

The bill passes its second (45-0) and third readings and is ordered enrolled.

H.B. 2040 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE TO USE COMMISSION LABOR FOR THE CONSTRUCTION OF WATER AND SEWER UTILITY PROJECTS IN THE PHASE V ANNEXED AREAS OF THE CITY AND UNDER CERTAIN CIRCUMSTANCES AND WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR.

The Committee Substitute bill passes its second (44-1) and third readings and is ordered enrolled.

BILLS ORDERED SENT TO THE GOVERNOR

Upon motion of Senator Dannelly, all bills ordered sent to the Governor today through Saturday, July 1, will be sent to the Governor by special message.

CALENDAR (*continued*)

S.B. 1311 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR CONSUMPTION OF ALCOHOL ON RIVERS IN POLK COUNTY, for concurrence.

Upon motion of Senator Apodaca, the Senate concurs in the House Committee Substitute bill (45-0) and the bill is ordered enrolled.

S.B. 1892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CAPITAL FACILITIES COSTS OF A PURCHASE OF LAND BY THE WILDLIFE RESOURCES COMMISSION AND TO FINANCE THE CAPITAL FACILITY COSTS OF STALL BARNs AT THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER.

Senator Snow offers Amendment No. 1 which is adopted (42-3), and changes the title to read **S.B. 1892** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CAPITAL FACILITIES COSTS OF A PURCHASE OF LAND BY THE WILDLIFE RESOURCES COMMISSION AND TO FINANCE THE CAPITAL FACILITY COSTS OF STALL BARNs AT THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER AND TO ALLOW REGIONAL COUNCILS OF GOVERNMENT TO FINANCE REAL PROPERTY IMPROVEMENTS.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Presnell, Purcell, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Friday, June 30, upon third reading.

S.B. 2043 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY CHANGING THE REGISTRATION FEES FOR MORTGAGE LICENSING AND RENEWAL AND BY AUTHORIZING THE COMMISSIONER TO PARTICIPATE IN A NATIONAL LICENSING SYSTEM AND DATABASE.

Senator Hoyle offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second (40-5) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 1388 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO ISSUE PERMITS TO ALIEN DEBT COLLECTORS.

The Senate Committee Substitute bill passes its second reading (45-0).

Senator Stevens objects to third reading of the bill. Pursuant to Rule 50, the President orders the bill placed on the Calendar for tomorrow, Friday, June 30, upon third reading.

H.B. 1502 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOLCHILDREN'S HEALTH ACT OF 2006.

Senator Jacumin offers Amendment No. 1 which fails of adoption (17-28).

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.J.R. 1818, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE NORTH CAROLINA CONSUMER FINANCE ACT TO VARIOUS LENDING SUBTERFUGES.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

H.B. 1825, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEPARTMENT OF TRANSPORTATION SECONDARY ROAD CONSTRUCTION FORMULA, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Upon motion of Senator Jenkins, the bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

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APPOINTMENT OF CONFERENCE 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.

Senator Dannelly, Deputy President *Pro Tempore*, announces that Senator Kerr is removed as a conferee and Senator Hoyle is appointed chair on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (*continued*)

H.B. 1974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REEMPLOYMENT OF CERTAIN RETIRED COMMUNITY COLLEGE EMPLOYEES WHO WERE PROVIDED INCORRECT INFORMATION ABOUT THE WAITING PERIOD FOR REEMPLOYMENT.

The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 2077 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES WITH RESPECT TO THE IMPLEMENTATION OF MENTAL HEALTH REFORM.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 2200 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE EMBARGO AUTHORITY OF THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH DIRECTORS AND TO DIRECT THE DEVELOPMENT OF A STATE PLAN TO PROTECT THE FOOD SUPPLY FROM INTENTIONAL CONTAMINATION.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor by special message.

S.B. 1121 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997, for concurrence.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (44-0) and the bill is ordered enrolled and sent to the Governor by special message.

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S.B. 1283 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TREATMENT OF DEFERRED TAX ASSETS IN THE COMPUTATION OF THE FRANCHISE TAX CAPITAL BASE AND TO INCREASE THE ADMINISTRATIVE EFFICIENCY OF THE UNIVERSITY OF NORTH CAROLINA BY EXEMPTING IT FROM LAWS GOVERNING CONSULTANT SERVICES, ALLOWING THE BOARD OF GOVERNORS TO DELEGATE MORE AUTHORITY TO THE PRESIDENT OF THE UNIVERSITY OF NORTH CAROLINA, AND CHANGING ITS REPORTING DATES.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (45-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1738 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TRIAL REHABILITATION PERIODS FOR PERSONS WHO HAVE BEEN RECEIVING LONG-TERM DISABILITY BENEFITS UNDER THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO ALLOW THOSE PERSONS TO ATTEMPT A RETURN TO WORK WITHOUT BEING PENALIZED, AND TO EXTEND THE EFFECTIVE DATE OF CHANGES TO THE DISABILITY PLAN.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (45-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.R. 2061, A SENATE RESOLUTION ADOPTING AN OFFICIAL COAT OF ARMS AND SEAL, for adoption.

Upon motion of Senator Dannelly, the Senate Resolution is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Friday, June 30, for adoption.

H.B. 1301 (Senate 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, AND STRENGTHENING THE AUTHORITY OF THE NORTH CAROLINA MEDICAL BOARD TO DISCIPLINE PHYSICIANS AND CERTAIN OTHERS, AND DESIGNATING INFORMATION RELEASED TO PATIENT SAFETY ORGANIZATIONS AS CONFIDENTIAL, AND ALLOWING CERTAIN GROUPS TO PRACTICE AS PROFESSIONAL CORPORATIONS, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM COMMITTEE

S.B. 2056 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERMITTING AND INSPECTION OF NEW PRIVATE DRINKING

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WATER WELLS AND TO REQUIRE WATER QUALITY TESTING OF PRIVATE DRINKING WATER WELLS, referred to the **Appropriations/Base Budget Committee** on June 29.

Pursuant to Rule 47(a), Senator Basnight offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the bill to the **Finance Committee**.

S.B. 2002, A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR STUDENTS TO BE ADMITTED TO THE UNIVERSITY OF NORTH CAROLINA, referred to the **Finance Committee** on May 26.

Pursuant to Rule 47(a), Senator Hoyle offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the bill to the **Judiciary II Committee**.

Upon motion of Senator Basnight, seconded by Senator Holloman, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills, to meet tomorrow, Friday, June 30, at 11:00 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 615 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CORRECTIONS AND CLARIFICATIONS TO THE INSURANCE LAW AND TO AMEND THE INSURANCE HOLDING COMPANY ACT AND A RELATED STATUTE TO STRENGTHEN THE SOLVENCY OF NORTH CAROLINA INCORPORATED INSURERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, June 30, for concurrence.

H.B. 2102 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LEASE CERTAIN DESCRIBED PROPERTY TO ONSLOW COUNTY FOR RECREATIONAL PURPOSES.

Referred to the **State & Local Government Committee**.

H.B. 2551, A BILL TO BE ENTITLED AN ACT TO EXEMPT BALER TWINE FROM THE SALES AND USE TAX.

Referred to the **Finance Committee**.

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ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 1598, AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE THE TRAINING AND QUALIFICATION REQUIREMENTS FOR ANIMAL WASTE MANAGEMENT SYSTEMS TECHNICAL SPECIALISTS AND TO EXTEND THE PERIOD OF TIME THAT ANIMAL WASTE MANAGEMENT SYSTEMS TECHNICAL SPECIALISTS MAY PROVIDE SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT SYSTEM.

H.B. 126, AN ACT TO MAKE TIME-SENSITIVE TECHNICAL CORRECTIONS TO AMEND THE HANDGUN AND CONCEALED CARRY PERMIT STATUTES AND TO AMEND THE OSHA CIVIL PENALTIES STATUTE TO CLARIFY THE DISTINCTION BETWEEN SERIOUS AND NONSERIOUS VIOLATIONS MADE AMBIGUOUS IN 2004.

H.B. 1343, AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO EXTEND THE PERIOD IN WHICH A PERSON MAY RENEW AN INTERN PERMIT UNDER THE LAWS REGULATING THE PRACTICE OF DENTISTRY.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1451 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENFORCE COLLECTION OF PROPERTY TAXES ON REAL PROPERTY AGAINST THE RECORD OWNER AS OF THE DATE THE TAXES BECOME DELINQUENT, TO CODIFY THE PRORATION OF TAXES ON REAL PROPERTY, TO REQUIRE A TAX COLLECTOR TO TAKE REASONABLE ADDITIONAL STEPS TO NOTIFY A PROPERTY OWNER OF A TAX SALE UNLESS THE TAX COLLECTOR HAS AFFIRMATIVE KNOWLEDGE THAT THE MAILED NOTICE REACHED THE RECIPIENT, TO AMEND THE DEFINITION OF INVENTORIES TO INCLUDE DISPLAY MODULAR HOMES, AND TO STUDY THE VALUATION OF PROPERTY AT ITS PRESENT-USE VALUE FOR PROPERTY TAX PURPOSES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, June 30, for concurrence.

H.B. 2339 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CASWELL, DAVIE, AND LINCOLN COUNTIES TO REQUIRE THAT ALL TAXES BE PAID ON REAL PROPERTY BEFORE

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THE REGISTER OF DEEDS MAY RECORD A DEED TRANSFERRING THAT PROPERTY AND BEFORE A BUILDING PERMIT MAY BE ISSUED WITH RESPECT TO THAT PROPERTY.

Referred to the **Finance Committee**.

H.B. 2351 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CONTINUING APPROPRIATIONS AND EXTEND CERTAIN BUDGET PROVISIONS UNTIL JULY 14, 2006.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 2638, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS BY THE TOWN OF DOBSON.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:56 P.M.

ONE HUNDRED FIFTY-NINTH DAY

Senate Chamber
Friday, June 30, 2006

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 late Dr. Ben Fisher, former Seminary Professor at Southeastern Seminary, tells this story about a family experience in the North Carolina Mountains. He says, 'We had stopped at a small country store with a gas pump, and the mountain storekeeper was filling the tank. He watched our two small boys working off the energy that had been pent up during the car trip and as they coasted around, he asked, 'Where do you come from, boys?'

'Boiling Springs,' they both replied.

'Where's that?' he asked. But they were too little to know how to identify their home town on the map.

'Is it east or west of here?' They didn't know that either. 'How many miles away?' They had no idea how far we had traveled that day.

But a mountaineer is resourceful. 'Well, boys, where do you get your hair cut?'

'Shelby,' they chorused, and the problem was solved.

"Thank you, O God, when we're not sure where we are or what we are supposed to do for the grace of continuing to ask us questions until we know exactly where we stand. Amen."

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The Chair grants leaves of absence for today to Senator Garrou, Senator Graham, Senator Holloman, Senator Kerr and Senator Lucas.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Thursday, 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.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 1121, AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997.

S.B. 1283, AN ACT TO CLARIFY THE TREATMENT OF DEFERRED TAX ASSETS IN THE COMPUTATION OF THE FRANCHISE TAX CAPITAL BASE AND TO INCREASE THE ADMINISTRATIVE EFFICIENCY OF THE UNIVERSITY OF NORTH CAROLINA BY EXEMPTING IT FROM LAWS GOVERNING CONSULTANT SERVICES, ALLOWING THE BOARD OF GOVERNORS TO DELEGATE MORE AUTHORITY TO THE PRESIDENT OF THE UNIVERSITY OF NORTH CAROLINA, AND CHANGING ITS REPORTING DATES.

S.B. 1372, AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY COLLECT PROPERTY TAXES FOR CERTAIN NEWLY ANNEXED PROPERTY OVER A THREE-YEAR PERIOD AND DELAY THE ACCRUAL OF INTEREST ACCORDINGLY.

S.B. 1485, AN ACT TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO ANNUALLY REPORT CERTAIN INFORMATION TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

S.B. 1591, AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

S.B. 1738, AN ACT TO PROVIDE FOR TRIAL REHABILITATION PERIODS FOR PERSONS WHO HAVE BEEN RECEIVING LONG-TERM DISABILITY BENEFITS UNDER THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO ALLOW THOSE PERSONS TO ATTEMPT A RETURN TO WORK WITHOUT BEING PENALIZED, AND TO EXTEND THE EFFECTIVE DATE OF CHANGES TO THE DISABILITY PLAN.

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H.B. 1432, AN ACT TO MAKE CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, AND TO MAKE OTHER CONFORMING CHANGES.

H.B. 1908, AN ACT TO REWRITE THE LAWS GOVERNING THE EDUCATION OF CHILDREN WITH SPECIAL NEEDS.

H.B. 1974, AN ACT TO AUTHORIZE THE REEMPLOYMENT OF CERTAIN RETIRED COMMUNITY COLLEGE EMPLOYEES WHO WERE PROVIDED INCORRECT INFORMATION ABOUT THE WAITING PERIOD FOR REEMPLOYMENT.

H.B. 2200, AN ACT TO ENHANCE THE EMBARGO AUTHORITY OF THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH DIRECTORS AND TO DIRECT THE DEVELOPMENT OF A STATE PLAN TO PROTECT THE FOOD SUPPLY FROM INTENTIONAL CONTAMINATION.

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. 1311, AN ACT TO PROHIBIT THE POSSESSION OR CONSUMPTION OF ALCOHOL ON RIVERS IN POLK COUNTY.

S.B. 1774, AN ACT TO ESTABLISH PUBLIC SAFETY AND PROOF OF FARE PAYMENT OFFENSES FOR RAPID TRANSIT SERVICES WITHIN THE CITY OF CHARLOTTE.

H.B. 1881, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF PINK HILL.

H.B. 1901, AN ACT TO ALLOW THE IREDELL-STATESVILLE SCHOOLS TO CONVEY CERTAIN PROPERTY TO A NONPROFIT CORPORATION TO ALLOW FOR ESTABLISHMENT OF THE BOYS AND GIRLS CLUB OF THE PIEDMONT ON THE SITE.

H.B. 1913, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF RED CROSS.

H.B. 1992, AN ACT ADDING CERTAIN DESCRIBED PROPERTIES TO THE CORPORATE BOUNDARIES OF THE TOWN OF SHALLOTTE.

H.B. 2040, AN ACT TO ALLOW THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE TO USE COMMISSION LABOR FOR THE CONSTRUCTION OF WATER AND SEWER UTILITY PROJECTS IN THE PHASE V ANNEXED AREAS OF THE CITY AND UNDER CERTAIN CIRCUMSTANCES AND WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR.

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H.B. 2324, AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL TO REPEAL TERM LIMITS FOR THE OFFICE OF MAYOR.

H.B. 2343, AN ACT TO EXEMPT STOKES COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

H.B. 2524, AN ACT EXPANDING THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWN OF CHOCOWINITY.

H.J.R. 1818, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE NORTH CAROLINA CONSUMER FINANCE ACT TO VARIOUS LENDING SUBTERFUGES. (Res. 16)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 447, 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. (Became law upon approval of the Governor, June 29, 2006 - S.L. 2006-29.)

H.B. 2097, AN ACT TO MAKE CLARIFYING CHANGES TO THE PROPERTY TAX LAWS. (Became law upon approval of the Governor, June 29, 2006 - S.L. 2006-30.)

H.B. 677, AN ACT AUTHORIZING THE TREASURER TO DESIGNATE A PERSON TO REPRESENT THE TREASURER ON THE STATE BOARD OF COMMUNITY COLLEGES AND TO MAKE A TECHNICAL CHANGE. (Became law upon approval of the Governor, June 29, 2006 - S.L. 2006-31.)

H.B. 2120, AN ACT TO STRENGTHEN THE OVERSIGHT ROLE OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; TO REPEAL THE LEGISLATIVE STUDY COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; TO DIRECT THE OVERSIGHT COMMITTEE TO STUDY CERTAIN ISSUES; AND TO MAKE A RECOMMENDATION REGARDING INCREASING HEALTH CARE COVERAGE TO INCLUDE MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE

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OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES. (Became law upon approval of the Governor, June 29, 2006 - S.L. 2006-32.)

H.B. 1915, AN ACT TO INCORPORATE THE STREAMLINED SALES TAX DEFINITIONS CONCERNING TELECOMMUNICATIONS, TO SIMPLIFY THE TAX PAYMENT REQUIREMENTS FOR SEMIMONTHLY TAXPAYERS, AND TO TREAT TANGIBLE PERSONAL PROPERTY USED IN MODULAR HOMES THE SAME AS TANGIBLE PERSONAL PROPERTY USED IN OTHER HOMES. (Became law upon approval of the Governor, June 29, 2006 - S.L. 2006-33.)

S.B. 1506, AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, June 29, 2006 - S.L. 2006-34.)

S.B. 1526, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF REIDSVILLE. (Became law upon ratification, June 29, 2006 - S.L. 2006-35.)

S.B. 1905, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE. (Became law upon ratification, June 29, 2006 - S.L. 2006-36.)

S.B. 1852, AN ACT TO INCORPORATE THE TOWN OF MIDWAY. (Became law upon ratification, June 29, 2006 - S.L. 2006-37.)

Upon motion of Senator Dannelly, all bills placed on today's Calendar will be placed on the Calendar for Wednesday, July 5, 2006.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 2491, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF CANDOR, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The bill is ordered enrolled.

June 30, 2006

H.B. 2549, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS AND TO AUTHORIZE THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2656 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES AND OTHER DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 2658 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK ISLAND TO IMPOSE A SEWER TREATMENT FEE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

June 30, 2006

H.B. 2725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 2604, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY IN JOHNSTON COUNTY TO THE CORPORATE LIMITS OF THE TOWN OF CLAYTON, upon third reading.

Without objection, Senator Smith requests to be excused from voting on the bill due to a conflict of interest.

The bill passes its third 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The bill is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

H.B. 2351 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CONTINUING APPROPRIATIONS AND EXTEND CERTAIN BUDGET PROVISIONS UNTIL JULY 14, 2006, referred to the **Appropriations/Base Budget Committee** on June 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 before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it before the Senate for immediate consideration.

Senator Rand offers Amendment No. 1 which is adopted (45-0), and changes the title upon concurrence to read **H.B. 2351** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CONTINUING APPROPRIATIONS AND EXTEND CERTAIN BUDGET PROVISIONS UNTIL JULY 7, 2006, AT 11:30 P.M.

June 30, 2006

The Committee Substitute bill, as amended, passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

CALENDAR *(continued)*

H.B. 1989 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF PRINCETON AND SMITHFIELD, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill is placed on the Calendar for Wednesday, July 5, upon third reading.

H.B. 2289, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEVILLE RELATING TO AN AGREEMENT MAKING A FULL AND FINAL SETTLEMENT OF DISPUTED MATTERS RELATING TO THE AMOUNT OF FRANCHISE TAX DUE THE CITY BY TWO PUBLIC UTILITIES, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The bill is placed on the Calendar for Wednesday, July 5, upon third reading.

RECONSIDERATION

S.B. 1892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CAPITAL FACILITIES COSTS OF A PURCHASE OF LAND BY THE WILDLIFE RESOURCES COMMISSION AND TO FINANCE THE CAPITAL FACILITY COSTS OF STALL BARNs AT THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER.

Having voted with the majority on second reading on June 29, Senator Rand offers a motion that the vote by which the Committee Substitute bill, as amended, passed its second reading be reconsidered, which motion prevails (45-0).

Amendment No. 1 which was adopted on June 29, is ruled to be material. The question before the Body becomes the passage of the Committee Substitute bill, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill, as amended, is placed on the Calendar for Wednesday, July 5, upon third reading.

CALENDAR *(continued)*

S.B. 1458 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF G.S. 105-550 TO PERMIT THE USE OF THE VEHICLE RENTAL TAX BY CERTAIN REGIONAL PUBLIC TRANSPORTATION ENTITIES THAT OPERATE BY INTERLOCAL AGREEMENT AMONG THE MUNICIPALITIES IN A SINGLE COUNTY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 30, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Bland, Boseman, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Hagan, Hartsell, Hoyle, Jenkins, Kinnaird, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein—30.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, Brown, East, Forrester, Garwood, Goodall, Hunt, Jacumin, Pittenger, Presnell, Smith, Tillman and Webster—15.

The Committee Substitute bill is placed on the Calendar for Wednesday, July 5, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.J.R. 2311, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF KANNAPOLIS ON THE OCCASION OF THE CITY'S CENTENNIAL ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on May 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 Wednesday, July 5, 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 5.

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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** on June 1, 2005.

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 **Health Care 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 bill to the **Health Care Committee**.

Upon the appearance of Senator Garrou in the Chamber, the Chair acknowledges her presence and the leave of absence granted previously is withdrawn.

CALENDAR *(continued)*

S.B. 2009 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CAPITAL LEASE FINANCING FOR PUBLIC SCHOOLS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—45.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill is placed on the Calendar for Wednesday, July 5, upon third reading.

S.B. 1187, A BILL TO BE ENTITLED AN ACT TO SPECIFY THE TRYON PALACE HISTORIC SITES AND GARDENS FUND AS A SPECIAL, INTEREST-BEARING TRUST FUND.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1964 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INTERNET DATA CENTER FACILITIES FROM SALES AND USE TAXES.

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. 1834, A BILL TO BE ENTITLED AN ACT TO CHANGE THE BONDING REQUIREMENTS FOR UP TO TWO DEPARTMENT OF TRANSPORTATION PERFORMANCE-BASED CONTRACTS FOR ROUTINE MAINTENANCE AND OPERATIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

June 30, 2006

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 1835, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE STANDARD DEPARTMENT OF TRANSPORTATION CONTRACT PROVISIONS ON DIFFERING SITE CONDITIONS, SUSPENSIONS OF WORK, AND CHANGES IN CHARACTER OF WORK, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 1993 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; AND TO REPEAL THE SUNSET ON THE HARLEY OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES.

Upon motion of Senator Hoyle, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 2127 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF MOUNTAIN BOG STATE NATURAL AREA AND SANDY RUN SAVANNAS STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE PARK AT CABIN LAKE.

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. 2165 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES, AND TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

June 30, 2006

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 2195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIABILITY PROTECTION FOR HEALTH CARE WORKERS WHEN RESPONDING TO IN-STATE INCIDENTS OUTSIDE THEIR HOSPITAL OR NORMAL JURISDICTION AS MEMBERS OF A STATE MEDICAL ASSISTANCE TEAM.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 1388 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO ISSUE PERMITS TO ALIEN DEBT COLLECTORS.

The Senate Committee Substitute bill passes its third reading (46-0) and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 1451 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENFORCE COLLECTION OF PROPERTY TAXES ON REAL PROPERTY AGAINST THE RECORD OWNER AS OF THE DATE THE TAXES BECOME DELINQUENT, TO CODIFY THE PRORATION OF TAXES ON REAL PROPERTY, TO REQUIRE A TAX COLLECTOR TO TAKE REASONABLE ADDITIONAL STEPS TO NOTIFY A PROPERTY OWNER OF A TAX SALE UNLESS THE TAX COLLECTOR HAS AFFIRMATIVE KNOWLEDGE THAT THE MAILED NOTICE REACHED THE RECIPIENT, TO AMEND THE DEFINITION OF INVENTORIES TO INCLUDE DISPLAY MODULAR HOMES, AND TO STUDY THE VALUATION OF PROPERTY AT ITS PRESENT-USE VALUE FOR PROPERTY TAX PURPOSES, for concurrence, upon second reading.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 5, for concurrence upon third reading.

S.B. 615 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CORRECTIONS AND CLARIFICATIONS TO THE INSURANCE LAW AND TO AMEND THE INSURANCE HOLDING COMPANY ACT AND A RELATED STATUTE TO STRENGTHEN THE SOLVENCY OF NORTH CAROLINA INCORPORATED INSURERS, for concurrence.

Upon motion of Senator Rand, the President orders, without objection, the House Committee Substitute bill temporarily displaced.

The Senate recesses at 11:55 A.M. for the purpose of a Finance Committee meeting to reconvene at 12:00 Noon.

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. 1964 A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INTERNET DATA CENTER FACILITIES FROM SALES AND USE TAXES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85485, is adopted and engrossed.

Upon motion of Senator Hoyle, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

S.B. 1964 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INTERNET DATA CENTER FACILITIES FROM SALES AND USE TAXES, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (45-1) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 615 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CORRECTIONS AND CLARIFICATIONS TO THE INSURANCE LAW AND TO AMEND THE INSURANCE HOLDING COMPANY ACT AND A RELATED STATUTE TO STRENGTHEN THE SOLVENCY OF NORTH CAROLINA INCORPORATED INSURERS, for concurrence, temporarily displaced earlier.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 5, for concurrence.

H.B. 1993 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES:

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CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; AND TO REPEAL THE SUNSET ON THE HARLEY OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES, temporarily displaced earlier.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.R. 2061, A SENATE RESOLUTION ADOPTING AN OFFICIAL COAT OF ARMS AND SEAL, for adoption.

The Senate Resolution is adopted (44-1).

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 2188 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PROCEDURE FOR CHALLENGING THE QUALIFICATIONS OF A CANDIDATE, 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 50755, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill is placed on the Calendar for Wednesday, July 5.

PLEDGE OF ALLEGIANCE

Led by the President, members and guests stand and pledge allegiance to the flag of the United States of America.

WITHDRAWAL FROM COMMITTEE

S.J.R. 2057, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN CLARENCE "J.C." SCARBOROUGH, SR., BUSINESS OWNER, HUMANITARIAN, AND CIVIC LEADER, referred to the **Rules and Operations of the Senate Committee** on June 14.

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 5, which motion prevails with unanimous consent.

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The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for July 5.

H.B. 2651, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ROTH 401K CONTRIBUTIONS FOR LAW ENFORCEMENT OFFICERS, referred to the **Finance Committee** on June 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Pensions & Retirement and Aging Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the bill to the **Pensions & Retirement and Aging Committee**.

PERSONAL PRIVILEGE

Upon motion of Senator Allran, the remarks by Senator Basnight are spread upon the Journal as follows:

Senator Basnight:

“Senator Horton is not with us and, as you know, he would normally do this so I will try to fill in for him. The significance of July 4 and Independence Day, we all realize what that is, that created our separation with our British Brethren and there were five people who sat on that committee to establish the language. Of those five, if I remember correctly, we all know that Jefferson, Sherman, Livingston, Franklin, and Adams were the five members. Jefferson drafted the document that is so famous today, but the one that we didn’t see, because there was so much secrecy at that point and time in our earlier history was amended or changed eighty-six times. Of course, on July 2 Adams debated that amendment or document for many hours. Then on the Fourth of July it was announced in Philadelphia the separation or the Second Continental Congress finally confirmed that we were independent and King George was not so important for evermore to us as Americans. But there were some other occurrences that occurred later on the Fourth of July and I thought that was pretty interesting. It was on June 24, 1826, that Jefferson wrote his last letter and let me read that if I may. It said, ‘... May it (The Declaration of Independence) be to the world what I believe it will be ... the signal of arousing to burst the chains ... and to assume the blessings and security of self-government. That form which we have substituted restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened, or opening, the rights of man. ... For ourselves, let annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.’ He wrote this to a Roger Weightman who had invited him to the fiftieth anniversary of the Declaration and it was to be celebrated in Washington, D.C. He declined that invitation and this was the letter that he sent and part of that language. Well, during that celebration on that very day in history, he passed away fifty years after that Declaration of Independence and his good friend at that time and his enemy prior to that, John Adams, passed away, too. Now that had to be fate for two men such as that who gave us so much today that we have these freedoms, passed away on the same day. In 1778 from his headquarters in

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Brunswick, New Jersey, General George Washington directed his army to put green burs in their hats, issued them a double allowance of rum and orders of Fourth of July artillery salute. In 1804, the first Fourth of July celebration west of the Mississippi happened at Independence Creek, Idaho and is celebrated by Meriwether Lewis and William Clark, two great American explorers that were appointed by Jefferson again to find out where that Columbia River did run to and eventually the accumulation of their great track across America to the West. And then in 1826, the fiftieth anniversary of the signing of the Declaration of Independence was celebrated and was referred to at that time as the Jubilee of Freedom event and that was the day that Adams and Jefferson passed away. Then in 1852 in Rochester, New York on July 5, Frederick Douglass presented his famous speech, 'What to the Slave is the Fourth of July?' And then in 1873, Mark Twain, of all places and all people, gave a Fourth of July address, where else but in London. I think that these are standouts for that particular celebration and there are many that I didn't mention and it is through our history that these freedoms allow us today to celebrate and to disagree and to build a better government for all our people. So God bless America, the Union, the people and one of the thirteen original colonies, such as what we are and what we protect to this day."

Upon motion of Senator Basnight, seconded by all members of the Senate, the Senate adjourns subject to appointment of conferees, receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills, to meet Monday, July 3, at 9:00 A.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 29, 2006

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. 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.

Respectfully,
S/Denise G. Weeks
Principal Clerk

June 30, 2006

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 350 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE MUNICIPALITIES OF AHOSKIE, CRAMERTON, FARMVILLE, AND LAGRANGE; TO PROVIDE THAT HIGH POINT CITY ELECTIONS SHALL BE HELD IN THE EVEN-NUMBERED YEARS AND DECIDED ON A PLURALITY BASIS; TO AMEND THE CHARTER OF THE TOWN OF MCFARLAN TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS; TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS; TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE; TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER; PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261; AND TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, for concurrence in the House Committee Substitute bill.

Referred to the **State & Local Government Committee**.

H.B. 2041 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO USE CIVILIAN TRAFFIC INVESTIGATORS TO INVESTIGATE PROPERTY DAMAGE CRASHES.

Referred to the **State & Local Government Committee**.

H.B. 2094 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SUNSET BEACH AND THE TOWN OF OCEAN ISLE BEACH TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN OPTIONAL COVERAGE.

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:

June 30, 2006

House of Representatives
June 30, 2006

Madame President:

Pursuant to the message from the House of Representatives on June 29, 2006, informing the Senate that the House of Representatives fails to concur in the Senate Committee Substitute for **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, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives requests conferees.

Speaker Black has appointed:

Representative Dickson, Chair
Representative Carney
Representative Haire
Representative Moore, and
Representative Tolson

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 2351, AN ACT TO MAKE CONTINUING APPROPRIATIONS AND EXTEND CERTAIN BUDGET PROVISIONS UNTIL JULY 7, 2006, AT 11:30 P.M.

S.B. 1991, AN ACT TO PROVIDE BALANCE AMONG THE COUNTIES IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 13 AND TO DIVIDE SUPERIOR COURT DISTRICT 13.

H.B. 1133, AN ACT TO DESIGNATE ALL AREAS OF ANY BUILDING OCCUPIED BY THE GENERAL ASSEMBLY AS NONSMOKING AREAS.

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H.B. 1834, AN ACT TO CHANGE THE BONDING REQUIREMENTS FOR UP TO TWO DEPARTMENT OF TRANSPORTATION PERFORMANCE-BASED CONTRACTS FOR ROUTINE MAINTENANCE AND OPERATIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

H.B. 1835, AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE STANDARD DEPARTMENT OF TRANSPORTATION CONTRACT PROVISIONS ON DIFFERING SITE CONDITIONS, SUSPENSIONS OF WORK, AND CHANGES IN CHARACTER OF WORK, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

H.B. 2165, AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES, AND TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

H.B. 2195, AN ACT TO PROVIDE LIABILITY PROTECTION FOR HEALTH CARE WORKERS WHEN RESPONDING TO IN-STATE INCIDENTS OUTSIDE THEIR HOSPITAL OR NORMAL JURISDICTION AS MEMBERS OF A STATE MEDICAL ASSISTANCE TEAM.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 2491, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF CANDOR.

H.B. 2549, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS AND TO AUTHORIZE THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA.

H.B. 2604, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY IN JOHNSTON COUNTY TO THE CORPORATE LIMITS OF THE TOWN OF CLAYTON.

H.B. 2656, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES AND OTHER DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON.

H.B. 2658, AN ACT TO ALLOW THE TOWN OF OAK ISLAND TO IMPOSE A SEWER TREATMENT FEE.

H.B. 2725, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 2762, A BILL TO BE ENTITLED AN ACT RELATING TO THE APPOINTMENT AND COMPENSATION OF THE EXECUTIVE DIRECTOR AND ASSISTANT DIRECTOR OF THE U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION.

Referred to the **Appropriations/Base Budget Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 143, A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRITOURISM ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS, 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 70791, is adopted and engrossed.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 5.

H.B. 1963 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES AND TO IMPROVE THE COLLECTION AND ADMINISTRATION OF THE MOTOR FUEL 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 50756, which changes the title upon concurrence to read **H.B. 1963** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO IMPROVE THE COLLECTION AND ADMINISTRATION OF THE MOTOR FUEL TAX, AND TO AUTHORIZE A COUNTY THAT IMPOSES A SALES TAX FOR PUBLIC TRANSPORTATION TO LEVY A VEHICLE RENTAL TAX, is adopted and engrossed.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 5.

H.B. 1048 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2 30617, which changes the title upon concurrence to read **H.B. 1048** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE: (1) IMPROVED DETECTION OF IMPAIRED DRIVERS ON THE STATE'S ROADS AND HIGHWAYS; (2) IMPROVED METHODS OF DETERMINING HOW UNDERAGE DRIVERS OBTAIN ALCOHOL; (3) PROCEDURES FOR INVESTIGATING, ARRESTING, CHARGING, AND JUDICIAL PROCESSING OF IMPAIRED DRIVING OFFENSES; (4) RULES FOR THE COURTROOM ADMISSION OF EVIDENCE THAT IS RELEVANT TO IMPAIRED DRIVING OFFENSES; (5) CLARIFICATION ON WHEN A DRIVER IS GUILTY OF DRIVING WHILE IMPAIRED; (6) AGGRAVATED PENALTIES FOR OFFENDERS WHO SERIOUSLY INJURE OR KILL WHEN DRIVING WHILE IMPAIRED; (7) A SYSTEM OF REPORTING BY STATE PROSECUTORS AND THE COURTS ON THE DISPOSITION OF IMPAIRED DRIVING OFFENSES; (8) ELECTRONIC MONITORING AFTER AN IMPAIRED DRIVER HAS BEEN RELEASED FROM CONFINEMENT; (9) PROCEDURES TO DETERMINE IF IMPAIRED DRIVERS WHO ARE FOREIGN NATIONALS ARE LAWFULLY IN THE UNITED STATES; (10) OTHER MEASURES DESIGNED TO IMPROVE THE SAFETY OF THE MOTORING PUBLIC OF NORTH CAROLINA; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS THE "MOTOR VEHICLE DRIVER PROTECTION ACT OF 2006.", is adopted and engrossed.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, July 5.

CONFERENCE REPORT

Senator Dalton, Senator Garrou and Senator Hagan, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1741** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005; TO SET THE PUBLIC UTILITIES REGULATORY FEE AND THE INSURANCE REGULATORY CHARGE; TO AUTHORIZE A PRIVATE WELL-WATER TESTING FEE; TO CLARIFY FEES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICE FACILITIES; TO MAKE A TECHNICAL CORRECTION TO THE LICENSURE FEE CAP FOR REVIEW OF HEALTH CARE FACILITY CONSTRUCTION PROJECTS; TO REPEAL THE FEE FOR MINE SAFETY EDUCATION/TRAINING PROGRAMS; TO INCREASE THE PUBLIC WATER SYSTEMS ANNUAL OPERATING PERMIT FEES; TO IMPOSE PUBLIC WATER SYSTEM PLAN REVIEW FEES; TO LOWER THE STATE SALES AND USE TAX BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE JANUARY 1, 2007; TO LOWER THE UPPER INCOME TAX RATE BY ONE-EIGHTH PERCENTAGE POINT EFFECTIVE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2007; TO PROVIDE FOR A HEALTH INSURANCE TAX

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CREDIT CAPPED AT \$200 PER ELIGIBLE EMPLOYEE; TO EXPAND THE DEFINITION OF A DEVELOPMENT ZONE TO INCLUDE AN ECONOMIC DEVELOPMENT AND TRAINING DISTRICT; TO EXTEND THE SUNSET ON AVIATION FUEL SOLD TO MOTORSPORTS RACING TEAMS; TO ENHANCE THE TAX BENEFITS RELATING TO ETHYL ALCOHOL AND BIODIESEL; TO PROVIDE FOR A SALES AND USE TAX BENEFIT FOR RESEARCH AND DEVELOPMENT COMPANIES; AND TO ELIMINATE SALES AND USE TAX REFUNDS FOR PURCHASES OF ALCOHOLIC BEVERAGES, submit 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 1741, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005; TO SET THE PUBLIC UTILITIES REGULATORY FEE AND THE INSURANCE REGULATORY CHARGE; TO AUTHORIZE A PRIVATE WELL-WATER TESTING FEE; TO CLARIFY FEES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICE FACILITIES; TO MAKE A TECHNICAL CORRECTION TO THE LICENSURE FEE CAP FOR REVIEW OF HEALTH CARE FACILITY CONSTRUCTION PROJECTS; TO REPEAL THE FEE FOR MINE SAFETY EDUCATION/TRAINING PROGRAMS; TO INCREASE THE PUBLIC WATER SYSTEMS ANNUAL OPERATING PERMIT FEES; TO IMPOSE PUBLIC WATER SYSTEM PLAN REVIEW FEES; TO LOWER THE STATE SALES AND USE TAX BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE JANUARY 1, 2007; TO LOWER THE UPPER INCOME TAX RATE BY ONE-EIGHTH PERCENTAGE POINT EFFECTIVE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2007; TO PROVIDE FOR A HEALTH INSURANCE TAX CREDIT CAPPED AT \$200 PER ELIGIBLE EMPLOYEE; TO EXPAND THE DEFINITION OF A DEVELOPMENT ZONE TO INCLUDE AN ECONOMIC DEVELOPMENT AND TRAINING DISTRICT; TO EXTEND THE SUNSET ON AVIATION FUEL SOLD TO MOTORSPORTS RACING TEAMS; TO ENHANCE THE TAX BENEFITS RELATING TO ETHYL ALCOHOL AND BIODIESEL; TO PROVIDE FOR A SALES AND USE TAX BENEFIT FOR RESEARCH AND DEVELOPMENT COMPANIES; AND TO ELIMINATE SALES AND USE TAX REFUNDS FOR PURCHASES OF ALCOHOLIC BEVERAGES, House Committee Substitute Favorable 6/13/06, Sixth Edition Engrossed 6/15/06, submit the following report:

The Senate concurs in the House Committee Substitute Favorable 6/13/06, Sixth Edition Engrossed 6/15/06, with an amendment:

Delete the entire House Committee Substitute Favorable 6/13/06, Sixth Edition Engrossed 6/15/06, and substitute the attached Proposed Conference Committee Substitute S1741-PCCS 20535-LTxf-14.

June 30, 2006

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 30, 2006.

Conferees for the Senate

S/Walter H. Dalton, Chair
 S/Linda Garrou, Chair
 S/Kay R. Hagan, Chair
 S/Charles W. Albertson
 S/Bob Atwater
 S/Doug Berger
 S/Stan Bingham
 C.W. "Pete" Bland
 S/Julia Boseman
 Daniel G. Clodfelter
 Janet Cowell
 S/Charlie Smith Dannelly
 S/Katie G. Dorsett
 John A. Garwood
 Malcolm Graham
 S/Fletcher L. Hartsell, Jr.
 S/Robert Lee Holloman
 S/David W. Hoyle
 S/Clark Jenkins
 S/John H. Kerr, III
 Eleanor Kinnaird
 Jeanne Hopkins Lucas
 S/Vernon Malone
 S/Martin L. Nesbitt, Jr.
 S/William R. Purcell
 S/Tony Rand
 Larry Shaw
 S/John Snow
 S/R.C. Soles, Jr.
 S/Richard Stevens
 S/A.B. Swindell
 S/David F. Weinstein

Conferees for the House of Representatives

S/James W. Crawford, Jr., Co-Chair
 S/Beverly M. Earle, Co-Chair
 S/Bill Owens, Co-chair
 S/Edd Nye, Co-Chair
 S/Douglas Y. Yongue, Co-Chair
 S/Debbie A. Clary, Co-Chair
 S/Wilma M. Sherrill, Co-Chair
 S/Alma Adams
 S/Martha B. Alexander
 S/Bernard Allen
 S/Lucy T. Allen
 S/Jeff Barnhart
 S/Larry M. Bell
 S/Alice L. Bordsen
 Harold J. Brubaker
 S/Becky Carney
 S/Walter G. Church, Sr.
 S/Lorene Coates
 S/Nelson Cole
 S/Linda Coleman
 S/W. Pete Cunningham
 S/Margaret Highsmith Dickson
 S/Bob England, M.D.
 Bill Faison
 Jean Farmer-Butterfield
 S/Susan C. Fisher
 S/Pryor Gibson
 S/Rick Glazier
 S/Bruce Goforth
 S/Melanie Wade Goodwin
 W. Robert Grady
 S/Joe Hackney
 S/R. Phillip Haire
 S/Jim Harrell, III
 S/Pricey Harrison
 S/Dewey L. Hill
 S/Hugh Holliman
 Julia C. Howard
 S/Howard J. Hunter, Jr.

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S/Verla Insko
S/Maggie Jeffus
S/Earl Jones
S/Edward Jones
Carolyn K. Justus
Joe L. Kiser
S/Marvin W. Lucas
S/Paul Luebke
S/Grier Martin
S/Mary E. McAllister
S/Daniel F. McComas
S/Miriam N. McLawhorn
S/Henry M. Michaux, Jr.
Paul Miller
S/Earline W. Parmon
S/Garland E. Pierce
S/Ray Rapp
S/Deborah K. Ross
S/John Sauls
S/Drew Saunders
S/Timothy L. Spear
S/Ronnie Sutton
S/Joe P. Tolson
S/Russell E. Tucker
S/Alice Graham Underhill
S/William L. Wainwright
S/Edith D. Warren
S/Jennifer Weiss
S/W. A. (Winkie) Wilkins
S/Arthur Williams
Larry Womble
S/Michael H. Wray
S/Thomas E. Wright

(The full text of the Conference Committee Substitute can be found in the 2006 Session Laws-Chapter 66)

The Conference Report, which changes the title, is placed on the Calendar for Wednesday, July 5, for adoption upon second reading.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:28 P.M.

June 30, 2006

ONE HUNDRED SIXTIETH DAY

Senate Chamber
Monday, July 3, 2006

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 Janet Cowell, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, sometimes the hymns we sing by rote are given new meaning when spoken rather than sung. I realized that yesterday in church.

"My country tis of thee. Sweet land of liberty, of thee I sing. Land where my Fathers died, land of the pilgrims' pride, from every mountainside, let freedom ring.

"Our Fathers' God, to thee, author of liberty, to thee we sing, Long may our land be bright with freedom's holy light. Protect us by thy might, great God, our King.

"As we celebrate our Nation's birthday tomorrow, let us remember to also celebrate your great blessing of our Country and then share our abundance, O Lord, with others. Amen"

The Chair grants a leave of absence for today to Senator Lucas.

Senator Hunt announces that the Journal of Friday, 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. 1598, AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE THE TRAINING AND QUALIFICATION REQUIREMENTS FOR ANIMAL WASTE MANAGEMENT SYSTEMS TECHNICAL SPECIALISTS AND TO EXTEND THE PERIOD OF TIME THAT ANIMAL WASTE MANAGEMENT SYSTEMS TECHNICAL SPECIALISTS MAY PROVIDE SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT SYSTEM. (Became law upon approval of the Governor, June 29, 2006 - S.L. 2006-38.)

H.B. 126, AN ACT TO MAKE TIME-SENSITIVE TECHNICAL CORRECTIONS TO AMEND THE HANDGUN AND CONCEALED CARRY PERMIT STATUTES AND TO AMEND THE OSHA CIVIL PENALTIES

July 3, 2006

STATUTE TO CLARIFY THE DISTINCTION BETWEEN SERIOUS AND NONSERIOUS VIOLATIONS MADE AMBIGUOUS IN 2004. (Became law upon approval of the Governor, June 29, 2006 - S.L. 2006-39.)

H.B. 474, AN ACT TO PROVIDE A TAX CREDIT FOR REVITALIZATION OF HISTORIC MILL FACILITIES AND TO PROVIDE AN ENHANCED HISTORIC REHABILITATION CREDIT FOR REHABILITATION EXPENSES WITH RESPECT TO A FACILITY THAT WAS ONCE A STATE-OWNED TRAINING SCHOOL FOR JUVENILE OFFENDERS. (Became law upon approval of the Governor, June 29, 2006 - S.L. 2006-40.)

H.B. 1343, AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO EXTEND THE PERIOD IN WHICH A PERSON MAY RENEW AN INTERN PERMIT UNDER THE LAWS REGULATING THE PRACTICE OF DENTISTRY. (Became law upon approval of the Governor, June 29, 2006 - S.L. 2006-41.)

S.B. 1311, AN ACT TO PROHIBIT THE POSSESSION OR CONSUMPTION OF ALCOHOL ON RIVERS IN POLK COUNTY. (Became law upon ratification, June 30, 2006 - S.L. 2006-42.)

S.B. 1774, AN ACT TO ESTABLISH PUBLIC SAFETY AND PROOF OF FARE PAYMENT OFFENSES FOR RAPID TRANSIT SERVICES WITHIN THE CITY OF CHARLOTTE. (Became law upon ratification, June 30, 2006 - S.L. 2006-43.)

H.B. 1881, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF PINK HILL. (Became law upon ratification, June 30, 2006 - S.L. 2006-44.)

H.B. 1901, AN ACT TO ALLOW THE IREDELL-STATESVILLE SCHOOLS TO CONVEY CERTAIN PROPERTY TO A NONPROFIT CORPORATION TO ALLOW FOR ESTABLISHMENT OF THE BOYS AND GIRLS CLUB OF THE PIEDMONT ON THE SITE. (Became law upon ratification, June 30, 2006 - S.L. 2006-45.)

H.B. 1913, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF RED CROSS. (Became law upon ratification, June 30, 2006 - S.L. 2006-46.)

H.B. 1992, AN ACT ADDING CERTAIN DESCRIBED PROPERTIES TO THE CORPORATE BOUNDARIES OF THE TOWN OF SHALLOTTE. (Became law upon ratification, June 30, 2006 - S.L. 2006-47.)

H.B. 2040, AN ACT TO ALLOW THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE TO USE COMMISSION LABOR FOR

July 3, 2006

THE CONSTRUCTION OF WATER AND SEWER UTILITY PROJECTS IN THE PHASE V ANNEXED AREAS OF THE CITY AND UNDER CERTAIN CIRCUMSTANCES AND WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR. (Became law upon ratification, June 30, 2006 - S.L. 2006-48.)

H.B. 2324, AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL TO REPEAL TERM LIMITS FOR THE OFFICE OF MAYOR. (Became law upon ratification, June 30, 2006 - S.L. 2006-49.)

H.B. 2343, AN ACT TO EXEMPT STOKES COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS. (Became law upon ratification, June 30, 2006 - S.L. 2006-50.)

H.B. 2524, AN ACT EXPANDING THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWN OF CHOCOWINITY. (Became law upon ratification, June 30, 2006 - S.L. 2006-51.)

H.B. 2351, AN ACT TO MAKE CONTINUING APPROPRIATIONS AND EXTEND CERTAIN BUDGET PROVISIONS UNTIL JULY 7, 2006, AT 11:30 P.M. (Became law upon approval of the Governor, June 30, 2006 - S.L. 2006-52.)

H.B. 2725, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL. (Became law upon ratification, June 30, 2006 - S.L. 2006-53.)

H.B. 2658, AN ACT TO ALLOW THE TOWN OF OAK ISLAND TO IMPOSE A SEWER TREATMENT FEE. (Became law upon ratification, June 30, 2006 - S.L. 2006-54.)

H.B. 2491, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF CANDOR. (Became law upon ratification, June 30, 2006 - S.L. 2006-55.)

H.B. 2656, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES AND OTHER DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON. (Became law upon ratification, June 30, 2006 - S.L. 2006-56.)

H.B. 2604, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY IN JOHNSTON COUNTY TO THE CORPORATE LIMITS OF THE TOWN OF CLAYTON. (Became law upon ratification, June 30, 2006 - S.L. 2006-57.)

H.B. 2549, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS AND TO AUTHORIZE

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THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA. (Became law upon ratification, June 30, 2006 - S.L. 2006-58.)

Upon motion of Senator Stevens, seconded by Senator Hunt, the Senate adjourns at 9:04 A.M. to meet Wednesday, July 5, at 2:00 P.M.

ONE HUNDRED SIXTY-FIRST DAY

Senate Chamber
Wednesday, July 5, 2006

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 Lin Carter, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

"Our God, with visions of fireworks still dancing in our heads, we continue to revel in the joy of celebrating our Nation's birth. We thank you for our Country and for the freedom that it provides us, freedom to believe and worship, freedom to govern ourselves, freedom to speak our minds and even as we find ourselves today perhaps day-dreaming, remembering yesterday's festivities, there is work to be done, the work of serving each other and serving you. God, help us to exercise responsibility in equal bill to the freedom we enjoy. Bless these officials, your servants, as they work for the good of the people of this State. In your name we ask it, Amen."

The Chair grants a leave of absence for today to Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, July 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends the privileges of the floor to Dr. Phillip Sellers from Hendersonville, North Carolina, who is serving the Senate as Doctor of the Day, and to Dotty Kuell from Pinehurst, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

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H.B. 2098, AN ACT TO AMEND THE LAW RELATING TO THE PROTECTION OF ANIMALS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Holloman for the **State & Local Government Committee**:

H.B. 2015, A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF BATH, with a favorable report.

H.B. 2135, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SALE OF REAL PROPERTY WHICH WAS OWNED BY THE HIGH POINT ALCOHOLIC BEVERAGE CONTROL BOARD FROM THE REQUIREMENTS OF ARTICLE 12 OF CHAPTER 160A FOR SALES THAT OCCURRED IN 2002 AND 2005, with a favorable report.

H.B. 2136, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF THE CITY OF HIGH POINT ABC BOARD MEMBERS FROM THREE TO FIVE AND TO ESTABLISH TERMS OF OFFICE FOR THE NEWLY APPOINTED MEMBERS, with a favorable report.

H.B. 2148 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO REGULATE AND CONTROL ELECTROFISHING OF CATFISH ON THE CAPE FEAR RIVER IN BLADEN COUNTY, with a favorable report.

H.B. 2405 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP OF THE RUTHERFORD COUNTY BOARD OF EDUCATION BY ADDING AN AT-LARGE MEMBER AND ALLOW THE CHAIRMAN TO VOTE ON ALL ISSUES BEFORE THAT BOARD, with a favorable report.

H.B. 2406, A BILL TO BE ENTITLED AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE RUTHERFORD COUNTY BOARD OF EDUCATION, with a favorable report.

H.B. 2421 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PIEDMONT TRIAD WATER AUTHORITY TO EMPLOY LAKE WARDENS WITH THE AUTHORITY OF PEACE OFFICERS, with a favorable report.

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H.B. 2526, A BILL TO BE ENTITLED AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, with a favorable report.

S.B. 1444, 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 35441, which changes the title to read **S.B. 1444** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF THE ROCKINGHAM COUNTY AIRPORT AUTHORITY AND PROVIDE FOR THREE-YEAR TERMS FOR ALL BOARD MEMBERS, is adopted and engrossed.

H.B. 767 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ENHANCING THE MIGRANT HOUSING LAWS 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 60846, which changes the title upon concurrence to read **H.B. 767** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING TARGET INCOMES FOR PUBLIC HOUSING AUTHORITIES, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

H.B. 2047 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE CONSUMER CHOICE IN VIDEO SERVICE PROVIDERS AND TO ESTABLISH UNIFORM TAXES FOR VIDEO PROGRAMMING 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 30614, is adopted and engrossed.

H.B. 2259 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ELKIN, PILOT MOUNTAIN, AND DOBSON TO LEVY A SIX PERCENT ROOM OCCUPANCY 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 10637, which changes the title upon concurrence to read **H.B. 2259** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ELKIN, PILOT MOUNTAIN, DOBSON, AND AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CREATE A TAXING DISTRICT IN OCRACOCKE TOWNSHIP FOR THE PURPOSE OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, AND TO AMEND THE ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES FOR THE COUNTIES OF CHOWAN AND MARTIN, is adopted and engrossed.

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CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

H.B. 1989 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF PRINCETON AND SMITHFIELD, 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 2289, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEVILLE RELATING TO AN AGREEMENT MAKING A FULL AND FINAL SETTLEMENT OF DISPUTED MATTERS RELATING TO THE AMOUNT OF FRANCHISE TAX DUE THE CITY BY TWO PUBLIC UTILITIES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The bill is ordered enrolled.

S.J.R. 2057, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN CLARENCE "J.C." SCARBOROUGH, SR., BUSINESS OWNER, HUMANITARIAN, AND CIVIC LEADER.

Upon motion of Senator Rand, the joint resolution is taken up out of its regular order of business and is read in its entirety and upon motion of Senator Stevens, the remarks of Senator Lucas are spread upon the Journal, as follows:

Senator Lucas:

“Thank you, Madame President. President *Pro Tempore* Basnight, members of the Senate, ladies and gentlemen, all of us in this Chamber are acquainted with or we know of some persons who are or have been

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legendary giants in our community. This resolution depicts such a man. J. C. Scarborough, as we knew him, planted many seeds in Durham and beyond. He was a pioneer, as you heard in the resolution, because he was among the earliest African-Americans to graduate from the Renouard School of Mortuary Science in New York and the interesting thing about that is that he entered in 1905 and he completed all of his requirements in 1906. That is why we are asking you to honor him today with this resolution, because it was one hundred years ago. He was a visionary because he established the first licensed daycare in the State of North Carolina and it is the Daisy East Scarborough daycare center which is in Durham now. My baby sister, Bernie, went to that daycare center and we had to drag her there every morning. I remember it very well. He was a pacesetter because he was one of the founders of the Funeral Directors and Morticians Association of North Carolina. You know how hard we worked to get them on the board for the last couple of years ago. Marc, I know you remember that very well, but he was one of those persons who worked to get that organization started. He was a great politician. I have at my desk today the results of the election where he ran for the City Council and that was in 1947 and it was the first time an African-American male had garnered that many votes for the City Council. He wasn't successful, but he ran. He also was one of the founders of the Durham Committee on the Affairs of Black People. Today we stand on his shoulders because many of us now are senators and representatives and mayors and county commissioners because he started that organization. He was a businessman because he established a successful and prosperous funeral home in Durham which is still there. It's the largest funeral home, almost, in Durham. He was a humanitarian. He reached out to all of us in Durham and it is because of him that his grandson is up there today with members of his family and friends and his wife as they are seated up there. Skeepie took on his personality and all of us look to Skeepie to carry on that tradition. He was a successful man, well known, well respected and honored. It is this resolution that depicts one hundred years of that successful journey and we want this State to honor and respect J. C. Scarborough, Sr. I urge you to vote for this resolution. Thank you."

The joint resolution passes its second reading (47-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

Members of J. C. Scarborough's family and guests are recognized by the President. The family members and guests are: John Clarence (Skeepie) Scarborough III, grandson, and his wife, Queen Scarborough; Tonya Bass, granddaughter; and Tiara Bass, great, great granddaughter; and Mr. William Betts, State President of Funeral Directors and Morticians Association.

S.B. 1892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CAPITAL FACILITIES COSTS OF A PURCHASE OF

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LAND BY THE WILDLIFE RESOURCES COMMISSION AND TO FINANCE THE CAPITAL FACILITY COSTS OF STALL BARNs AT THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 10.

WITHDRAWAL FROM COMMITTEE

S.B. 350 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE MUNICIPALITIES OF AHOSKIE, CRAMERTON, FARMVILLE, AND LAGRANGE; TO PROVIDE THAT HIGH POINT CITY ELECTIONS SHALL BE HELD IN THE EVEN-NUMBERED YEARS AND DECIDED ON A PLURALITY BASIS; TO AMEND THE CHARTER OF THE TOWN OF MCFARLAN TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS; TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS; TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE; TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER; PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261; AND TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, referred to the **State & Local Government Committee** on June 30.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **State & Local Government Committee** and placed on the Calendar for Thursday, July 6, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **State & Local Government Committee** and places it on the Calendar for Thursday, July 6, for concurrence.

S.B. 1734 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF HARRISBURG, referred to the **Finance Committee** on June 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the Calendar for Thursday, July 6, which motion prevails with unanimous consent.

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The Chair orders the House Committee Substitute bill withdrawn from the **Finance Committee** and places it on the Calendar for Thursday, July 6, for concurrence.

The Senate recesses at 2:35 P.M. for the purpose of a Pensions & Retirement and Aging Committee meeting to reconvene at 2:40 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Dalton for the **Pensions & Retirement and Aging Committee**:

H.B. 2651, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ROTH 401K CONTRIBUTIONS FOR LAW ENFORCEMENT OFFICERS, with a favorable report.

WITHDRAWAL FROM CALENDAR

S.B. 350 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE MUNICIPALITIES OF AHOSKIE, CRAMERTON, FARMVILLE, AND LAGRANGE; TO PROVIDE THAT HIGH POINT CITY ELECTIONS SHALL BE HELD IN THE EVEN-NUMBERED YEARS AND DECIDED ON A PLURALITY BASIS; TO AMEND THE CHARTER OF THE TOWN OF MCFARLAN TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS; TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS; TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE; TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER; PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261; AND TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

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Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from the Calendar for Thursday, July 6, and is placed on the Calendar for Monday, July 10.

WITHDRAWAL FROM COMMITTEE

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** on July 28, 2005.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 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 No. 2 withdrawn from the **Judiciary I Committee** and re-refers the bill to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1323 (Committee Substitute), 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 **Rules and Operations of the Senate Committee** on May 17.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the bill to the **Judiciary I Committee**.

S.B. 1523, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, referred to the **Judiciary II Committee** on May 18.

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 bill to the **Judiciary I Committee**.

CALENDAR *(continued)*

S.B. 1458 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF G.S. 105-550 TO PERMIT THE USE OF THE VEHICLE RENTAL TAX BY CERTAIN REGIONAL PUBLIC TRANSPORTATION ENTITIES THAT OPERATE BY INTERLOCAL AGREEMENT AMONG THE MUNICIPALITIES IN A SINGLE COUNTY, upon third reading.

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The Committee Substitute bill passes its third reading, by roll-call vote, ayes 33, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Bland, Boseman, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Graham, Hagan, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein—33.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, Brown, East, Forrester, Garwood, Goodall, Hunt, Jacumin, Pittenger, Presnell, Smith, Tillman and Webster—15.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

S.B. 2009 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CAPITAL LEASE FINANCING FOR PUBLIC SCHOOLS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Holloman, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—47.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 1963 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO IMPROVE THE COLLECTION AND ADMINISTRATION OF THE MOTOR FUEL TAX, AND TO AUTHORIZE A COUNTY THAT IMPOSES A SALES TAX FOR PUBLIC TRANSPORTATION TO LEVY A VEHICLE RENTAL TAX, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 35, noes 13, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Bland, Boseman, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Graham, Hagan, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein—35.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, Brown, East, Goodall, Hunt, Jacumin, Pittenger, Presnell, Smith, Tillman and Webster—13.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 6, upon third reading.

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H.B. 143 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRI-TOURISM ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1048 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE: (1) IMPROVED DETECTION OF IMPAIRED DRIVERS ON THE STATE'S ROADS AND HIGHWAYS; (2) IMPROVED METHODS OF DETERMINING HOW UNDERAGE DRIVERS OBTAIN ALCOHOL; (3) PROCEDURES FOR INVESTIGATING, ARRESTING, CHARGING, AND JUDICIAL PROCESSING OF IMPAIRED DRIVING OFFENSES; (4) RULES FOR THE COURTROOM ADMISSION OF EVIDENCE THAT IS RELEVANT TO IMPAIRED DRIVING OFFENSES; (5) CLARIFICATION ON WHEN A DRIVER IS GUILTY OF DRIVING WHILE IMPAIRED; (6) AGGRAVATED PENALTIES FOR OFFENDERS WHO SERIOUSLY INJURE OR KILL WHEN DRIVING WHILE IMPAIRED; (7) A SYSTEM OF REPORTING BY STATE PROSECUTORS AND THE COURTS ON THE DISPOSITION OF IMPAIRED DRIVING OFFENSES; (8) ELECTRONIC MONITORING AFTER AN IMPAIRED DRIVER HAS BEEN RELEASED FROM CONFINEMENT; (9) PROCEDURES TO DETERMINE IF IMPAIRED DRIVERS WHO ARE FOREIGN NATIONALS ARE LAWFULLY IN THE UNITED STATES; (10) OTHER MEASURES DESIGNED TO IMPROVE THE SAFETY OF THE MOTORING PUBLIC OF NORTH CAROLINA; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS THE "MOTOR VEHICLE DRIVER PROTECTION ACT OF 2006."

The Senate Committee Substitute bill No. 2 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 No. 2.

H.B. 2188 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PROCEDURE FOR CHALLENGING THE QUALIFICATIONS OF A CANDIDATE.

Senator Clodfelter offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second reading (48-1).

Senator Webster objects to third reading of the bill. Pursuant to Rule 50, the President orders the bill placed on the Calendar for tomorrow, Thursday, July 6, upon third reading.

WITHDRAWAL FROM COMMITTEE

S.B. 1487 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO ACCEPT, IN ADDITION TO EXAMINATIONS CONDUCTED

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BY THE BOARD, THE RESULTS OF OTHER BOARD-APPROVED REGIONAL OR NATIONAL INDEPENDENT THIRD-PARTY CLINICAL EXAMINATIONS OF APPLICANTS SEEKING A LICENSE TO PRACTICE AS A DENTAL HYGIENIST, AND AUTHORIZING THE BOARD TO CHARGE THE ACTUAL COST OF THE THIRD-PARTY TESTING SERVICE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, referred to the **Appropriations/Base Budget Committee** on June 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 today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

WITHDRAWAL FROM CALENDAR

H.B. 2259 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ELKIN, PILOT MOUNTAIN, DOBSON, AND AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CREATE A TAXING DISTRICT IN OCRACOCKE TOWNSHIP FOR THE PURPOSE OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, AND TO AMEND THE ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES FOR THE COUNTIES OF CHOWAN AND MARTIN, placed earlier on the Calendar for tomorrow, Thursday, July 6.

Senator Kerr offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Thursday, July 6, and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for Thursday, July 6, and re-refers the bill to the **Finance Committee**.

CALENDAR *(continued)*

H.J.R. 2311, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF KANNAPOLIS ON THE OCCASION OF THE CITY'S CENTENNIAL ANNIVERSARY.

The joint resolution passes its second (49-0) and third readings and is ordered enrolled.

S.B. 1451 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENFORCE COLLECTION OF PROPERTY TAXES ON REAL PROPERTY AGAINST THE RECORD OWNER AS OF THE DATE THE TAXES BECOME DELINQUENT, TO CODIFY THE PRORATION OF TAXES ON REAL PROPERTY, TO REQUIRE A TAX COLLECTOR TO TAKE REASONABLE ADDITIONAL STEPS TO NOTIFY A PROPERTY OWNER OF A TAX SALE

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UNLESS THE TAX COLLECTOR HAS AFFIRMATIVE KNOWLEDGE THAT THE MAILED NOTICE REACHED THE RECIPIENT, TO AMEND THE DEFINITION OF INVENTORIES TO INCLUDE DISPLAY MODULAR HOMES, AND TO STUDY THE VALUATION OF PROPERTY AT ITS PRESENT-USE VALUE FOR PROPERTY TAX PURPOSES, for concurrence upon third reading.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor.

S.B. 615 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CORRECTIONS AND CLARIFICATIONS TO THE INSURANCE LAW AND TO AMEND THE INSURANCE HOLDING COMPANY ACT AND A RELATED STATUTE TO STRENGTHEN THE SOLVENCY OF NORTH CAROLINA INCORPORATED INSURERS, for concurrence.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 1741 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005, TO INCREASE TEACHER AND STATE EMPLOYEE PAY, TO REDUCE THE SALES TAX RATE AND THE INCOME TAX RATE APPLICABLE TO MOST SMALL BUSINESSES, TO CAP THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUEL TAX RATE AT ITS CURRENT RATE, TO ENACT OTHER TAX REDUCTIONS, AND TO PROVIDE FOR THE FINANCING OF HIGHER EDUCATION FACILITIES AND PSYCHIATRIC HOSPITALS AND OTHER CAPITAL PROJECTS, for adoption, upon second reading.

Senator Apodaca announces a pair vote. If Senator Hoyle were present, he would vote "aye"; Senator Apodaca votes "no".

Upon motion of Senator Dalton, Senator Garrou and Senator Hagan, the Senate adopts the Conference Report on its second reading, by roll-call vote, ayes 32, noes 16, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Bland, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Graham, Hagan, Hartsell, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein—32.

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Voting in the negative: Senators Allran, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Smith, Tillman and Webster—16.

The Conference Report remains on the Calendar for tomorrow, Thursday, July 6, for adoption, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 1269 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES, AND OTHER COMMISSIONS, referred to the **Rules and Operations of the Senate Committee** on May 9.

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 bill to the **Finance Committee**.

S.B. 1833, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR MEMORIAL SERVICE, 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 bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the bill to the **Judiciary II Committee**.

CALENDAR (*continued*)

S.B. 1487 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE 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 AS A DENTAL HYGIENIST, AND AUTHORIZING THE BOARD TO CHARGE THE ACTUAL COST OF THE THIRD-PARTY TESTING SERVICE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

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PERSONAL PRIVILEGE

Upon motion of Senator Forrester the remarks by Senator Pittenger are spread upon the Journal as follows:

Senator Pittenger:

“Members of the Senate, today we laid to rest in Charlotte a very distinguished North Carolina citizen, Joe Martin, a very honorable man that I know and a number of you knew well. Of course, Joe was the brother of our former Governor, Jim Martin. Joe worked side by side with Hugh McCall for many years and everything, all the goodwill that the bank has been involved in for all those years was extended through Joe’s hand. He had his pulse on our region and pulse on our State and he extended the great strength of that bank to help the citizens of all of North Carolina. So I wanted to just take a moment today to remember him. He was courageous in his battle of Lou Gehrig’s Disease, even at the very end, writing books using his eyes only. He was a remarkable feat and a remarkable man. May he rest in peace. Thank You.”

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Catherine Allran, Hickory; Jairus Ivan Barnes, Goldsboro; Katherine Brown, Raleigh; Meghan Elizabeth Burris, Lincolnton; Eric Burwell, Jr., Wake Forest; Katlin E. Christian, Jackson Springs; Mary Lauren Christopher, Gastonia; Molly MacKenzie Crenshaw, Raleigh; Carter Devlin, Raleigh; Sarah Elizabeth Dinkins, Mocksville; William R. Fanning, Fuquay Varina; Caroline Bearn Fraley, Cherryville; Kaitlin E. Frey, Raleigh; Lindsay Fulcher, New Bern; Will Gustafson, Raleigh; Jessica Lynne Herndon, Rocky Mount; Eron William Kuhlers, Apex; Laura Elise LeBlanc, Raleigh; Cameron Paul Lee, Cary; Kelly Page, Rocky Mount; Caitlin Blair Phillips, Hickory; Elizabeth Ann Plemmons, Candler; Scott Possiel, Raleigh; Meredith Potter, Pinehurst; Thomas Earl Rhodes, Jr., Goldsboro; Mark Brandon Rouse, Gastonia; Chancey Ann Rouse, Raleigh; Samantha Lynn Rouse, Raleigh; Sarah Ashley Rouse, Raleigh; Nathaniel Isaac Sink, Lexington; Annsley Elizabeth Stroupe, Cherryville and Ross Wilson, Gastonia.

Upon motion of Senator Basnight, seconded by Senator Berger of Rockingham, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Thursday, July 6, at 2:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 294 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CAJAH MOUNTAIN TO CHANGE THE NAME OF THE BOARD OF ALDERMEN TO TOWN COUNCIL AND THE TITLE OF THE CHAIRMAN TO MAYOR, for concurrence in the House Committee Substitute bill No. 2.

Referred to the **State & Local Government Committee**.

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S.B. 700 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION, CHARTER SCHOOLS, THE NORTH CAROLINA SCHOOL OF THE ARTS, AND THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS 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, for concurrence in the House Committee Substitute bill.

Referred to the **Ways & Means Committee**.

S.B. 1310 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD CLEVELAND COUNTY AND THE CITY OF CHERRYVILLE TO THE AREAS 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, for concurrence in the House Committee Substitute bill.

Referred to the **State & Local Government Committee**.

S.B. 1877 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE MEMBERSHIP GUIDELINES FOR THE MACON-JACKSON REGIONAL AIRPORT AUTHORITY AND TO PROVIDE FOR THE FILLING OF VACANCIES IN THE AIRPORT AUTHORITY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 6, for concurrence.

H.B. 845 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD SURRY AND WILKES COUNTIES, AND THE TOWN OF SURF CITY, TO THE AREAS IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

Referred to the **State & Local Government Committee**.

H.B. 1399 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MOTOR VEHICLE LAWS CONCERNING WEIGHING OF WOOD RESIDUALS AND EXEMPTION FROM REGISTRATION FOR CERTAIN AGRICULTURAL VEHICLES, AND TO AUTHORIZE AGREEMENTS BETWEEN THE DEPARTMENT OF TRANSPORTATION AND LOCAL GOVERNMENTS TO EXPEDITE TRANSPORTATION PROJECTS.

Referred to the **Transportation Committee**.

H.J.R. 1941, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO DISTINGUISH BETWEEN SPECIAL

PLATES ISSUED TO BRONZE STAR RECIPIENTS FOR MERITORIOUS SERVICE OR FOR VALOR IN COMBAT.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 2052, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COLLABORATE WITH PROVIDERS AND ADVOCATES OF HOME AND COMMUNITY-BASED SERVICES TO REVIEW AND MAKE RECOMMENDATIONS ADDRESSING BIASES IDENTIFIED IN THE NORTH CAROLINA INSTITUTIONAL BIAS STUDY REPORT, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

H.B. 2054, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ENSURE AWARENESS OF ADULT DAY HEALTH SERVICES AND TO PROVIDE A STATUS REPORT ON CHANGES IMPLEMENTED AS A RESULT OF THE ADULT DAY SERVICES STUDY, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

H.B. 2576, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF ASSIGNMENTS TO THE SPECIAL ASSISTANCE IN-HOME PROGRAM OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Referred to the **Health Care Committee**.

H.B. 2724 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO PERMIT THE TOWN COUNCIL TO ACCEPT PAYMENTS IN LIEU OF TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS FOR NEW DEVELOPMENT.

Referred to the **State & Local Government Committee**.

H.B. 2868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO LEASE CERTAIN PROPERTY ON THE MAINLAND SIDE OF THE HOLDEN BEACH BRIDGE.

Referred to the **Transportation Committee**.

H.B. 2880 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT A PERSON WHO IS GUILTY OF PASSING A STOPPED SCHOOL BUS FROM RECEIVING A PRAYER FOR JUDGMENT CONTINUED.

Referred to the **Judiciary I Committee**.

H.B. 2882, A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO EXTEND THE

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PERIOD IN WHICH A LICENSE REMAINS IN EFFECT AFTER A PERSON LICENSED ON BEHALF OF A FIRM OR CORPORATION CEASES TO BE ASSOCIATED WITH THAT FIRM OR CORPORATION.

Referred to the **Commerce Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:25 P.M.

ONE HUNDRED SIXTY-SECOND DAY

Senate Chamber
Thursday, July 6, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Sometimes when we pray to you, O God, we know afterwards that while our lips have been repeating words of concern for others, our minds have failed to grasp the necessity for action which our hands must undertake to make that prayer become reality.

"So make us cautious when we pray that we don't stop praying too soon, so that we pray not just with words and thoughts, but also with our actions, Amen."

A prayer of Alec J. Langford

The Chair grants leaves of absence for today to Senator Holloman and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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 Chair extends the privileges of the floor to Dr. Gary Levine from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Donna Ford from Dunn, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 615, AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CORRECTIONS AND CLARIFICATIONS TO THE INSURANCE LAW AND TO AMEND THE INSURANCE HOLDING COMPANY ACT AND A

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RELATED STATUTE TO STRENGTHEN THE SOLVENCY OF NORTH CAROLINA INCORPORATED INSURERS.

S.B. 1276, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW THE CAP/DA PROGRAM IN RESPONSE TO ISSUES IDENTIFIED IN THE MEDICAID INSTITUTIONAL BIAS STUDY, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

S.B. 1277, AN ACT TO ESTABLISH THE NORTH CAROLINA NEW ORGANIZATIONAL VISION AWARD SPECIAL LICENSURE DESIGNATION, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

S.B. 1278, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ENSURE AWARENESS OF ADULT DAY HEALTH SERVICES AND TO PROVIDE A STATUS REPORT ON CHANGES IMPLEMENTED AS A RESULT OF THE ADULT DAY SERVICES STUDY, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

S.B. 1279, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COLLABORATE WITH PROVIDERS AND ADVOCATES OF HOME AND COMMUNITY-BASED SERVICES TO REVIEW AND MAKE RECOMMENDATIONS ADDRESSING BIASES IDENTIFIED IN THE NORTH CAROLINA INSTITUTIONAL BIAS STUDY REPORT, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING.

S.B. 1378, AN ACT TO AMEND THE LAW RELATING TO THE FORFEITURE OF PROPERTY RIGHTS BY SLAYERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

S.B. 1451, AN ACT TO ENFORCE COLLECTION OF PROPERTY TAXES ON REAL PROPERTY AGAINST THE RECORD OWNER AS OF THE DATE THE TAXES BECOME DELINQUENT, TO CODIFY THE PRORATION OF TAXES ON REAL PROPERTY, TO REQUIRE A TAX COLLECTOR TO TAKE REASONABLE ADDITIONAL STEPS TO NOTIFY A PROPERTY OWNER OF A TAX SALE UNLESS THE TAX COLLECTOR HAS AFFIRMATIVE KNOWLEDGE THAT THE MAILED NOTICE REACHED THE RECIPIENT, TO AMEND THE DEFINITION OF INVENTORIES TO INCLUDE DISPLAY MODULAR HOMES, AND TO STUDY THE VALUATION OF PROPERTY AT ITS PRESENT-USE VALUE FOR PROPERTY TAX PURPOSES.

S.B. 1555, AN ACT TO ENACT REVISED ARTICLE 1 OF THE UNIFORM COMMERCIAL CODE CONTAINING GENERAL PROVISIONS APPLICABLE TO THE ENTIRE CODE, TO MAKE CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, TO ENACT REVISED ARTICLE 7 OF THE UNIFORM COMMERCIAL CODE RELATING

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TO WAREHOUSE RECEIPTS AND BILLS OF LADING, TO MAKE CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, AND TO REPEAL OBSOLETE CRIMINAL PROVISIONS OF THE FORMER UNIFORM WAREHOUSE RECEIPTS ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

S.B. 1857, AN ACT TO AMEND THE LAW GRANTING STATE RECOGNITION TO THE HALIWA-SAPONI TRIBE OF NORTH CAROLINA.

The Enrolling Clerk reports the following bills and resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1896, AN ACT TO AUTHORIZE THE BERTIE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENT EMPLOYEES.

H.B. 1069, AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS FOR THE TOWN OF OAK ISLAND.

H.B. 1989, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF PRINCETON AND SMITHFIELD.

H.B. 2289, AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEVILLE RELATING TO AN AGREEMENT MAKING A FULL AND FINAL SETTLEMENT OF DISPUTED MATTERS RELATING TO THE AMOUNT OF FRANCHISE TAX DUE THE CITY BY TWO PUBLIC UTILITIES.

H.J.R. 2311, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF KANNAPOLIS ON THE OCCASION OF THE CITY'S CENTENNIAL ANNIVERSARY. (Res. 17)

S.J.R. 2057, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN CLARENCE "J.C." SCARBOROUGH, SR., BUSINESS OWNER, HUMANITARIAN, AND CIVIC LEADER. (Res. 18)

S.J.R. 1832, A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR MEMORIAL SERVICE. (Res. 19)

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. 1432, AN ACT TO MAKE CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, AND TO MAKE OTHER CONFORMING CHANGES. (Became law upon approval of the Governor, July 3, 2006 - S.L. 2006-59.)

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD STATUTORY RAPE OF A THIRTEEN- , FOURTEEN- , OR FIFTEEN-YEAR OLD BY A PERSON AT LEAST SIX YEARS OLDER TO THE LIST OF OFFENSES REQUIRING SEX OFFENDER REGISTRATION; TO REQUIRE OFFENDERS TO PROVIDE IN- PERSON REGISTRATION, ANNUAL VERIFICATION, AND NOTIFICATION OF CHANGES; TO REQUIRE NOTIFICATION TO AN OFFENDER'S REGISTERING SHERIFF OF AN OFFENDER'S OUT-OF-COUNTY EMPLOYMENT WHERE A TEMPORARY RESIDENCE IS ESTABLISHED; TO PROVIDE AN OFFENDER OF EARLIER NOTICE OF HIS ANNUAL OBLIGATION TO VERIFY REGISTRATION; TO REQUIRE SHERIFFS TO TAKE PHOTOGRAPHS OF OFFENDERS AT THE TIME OF REGISTRATION; TO AUTHORIZE SHERIFFS TO VERIFY A REGISTRANT'S ADDRESS AND TO UPDATE A REGISTRANT'S PHOTOGRAPH; TO ADD A WILLFUL REQUIREMENT TO THE CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH THE REGISTRATION REQUIREMENTS UNDER G.S. 14-208.11; TO MAKE IT A CLASS H FELONY TO HARBOR OR OTHERWISE AID A SEX OFFENDER WHO IS IN NONCOMPLIANCE WITH THE REGISTRATION REQUIREMENTS; TO AUTHORIZE THE EXTENSION OF THE REGISTRATION PERIOD FOR UP TO TEN YEARS FOR WILLFUL FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS; TO MAKE IT A CLASS F FELONY FOR A SEX OFFENDER TO RESIDE WITHIN ONE THOUSAND FEET OF A PUBLIC OR NONPUBLIC SCHOOL, A CHILD CARE CENTER, OR A PUBLIC SWIMMING POOL; TO EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; AND TO AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS, 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 80670, which changes the title upon concurrence to read **H.B. 1896** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) TO IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD

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FATALITY TASK FORCE; (3) TO EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; AND (4) TO AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1444 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF THE ROCKINGHAM COUNTY AIRPORT AUTHORITY AND PROVIDE FOR THREE-YEAR TERMS FOR ALL BOARD MEMBERS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

H.B. 2015, A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF BATH.

The bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 2135, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SALE OF REAL PROPERTY WHICH WAS OWNED BY THE HIGH POINT ALCOHOLIC BEVERAGE CONTROL BOARD FROM THE REQUIREMENTS OF ARTICLE 12 OF CHAPTER 160A FOR SALES THAT OCCURRED IN 2002 AND 2005.

The bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 2136, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF THE CITY OF HIGH POINT ABC BOARD MEMBERS FROM THREE TO FIVE AND TO ESTABLISH TERMS OF OFFICE FOR THE NEWLY APPOINTED MEMBERS.

The bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 2148 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO REGULATE AND CONTROL ELECTROFISHING OF CATFISH ON THE CAPE FEAR RIVER IN BLADEN COUNTY.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 2406, A BILL TO BE ENTITLED AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE RUTHERFORD COUNTY BOARD OF EDUCATION.

The bill passes its second (48-0) and third readings and is ordered enrolled.

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H.B. 2421 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PIEDMONT TRIAD WATER AUTHORITY TO EMPLOY LAKE WARDENS WITH THE AUTHORITY OF PEACE OFFICERS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 2526, A BILL TO BE ENTITLED AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

The bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 2405 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP OF THE RUTHERFORD COUNTY BOARD OF EDUCATION BY ADDING AN AT-LARGE MEMBER AND ALLOW THE CHAIRMAN TO VOTE ON ALL ISSUES BEFORE THAT BOARD.

Senator Dalton offers Amendment No. 1 which is adopted (48-0).

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. 1734 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF HARRISBURG, for concurrence 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 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 7, for concurrence upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 1151 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INSTRUCTIONAL PLANNING TIME AND A DUTY-FREE LUNCH PERIOD FOR TEACHERS, re-referred to the **Appropriations/Base Budget Committee** on June 14.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for tomorrow, Friday, July 7, which motion prevails with unanimous consent.

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The Chair orders the Senate Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for tomorrow, Friday, July 7.

H.B. 2868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO LEASE CERTAIN PROPERTY ON THE MAINLAND SIDE OF THE HOLDEN BEACH BRIDGE, referred to the **Transportation Committee** on July 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Transportation Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Transportation Committee** and re-refers the bill to the **State & Local Government Committee**.

CALENDAR *(continued)*

S.B. 1877 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE MEMBERSHIP GUIDELINES FOR THE MACON-JACKSON REGIONAL AIRPORT AUTHORITY AND TO PROVIDE FOR THE FILLING OF VACANCIES IN THE AIRPORT AUTHORITY, for concurrence.

Upon motion of Senator Snow, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled.

H.B. 1963 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO IMPROVE THE COLLECTION AND ADMINISTRATION OF THE MOTOR FUEL TAX, AND TO AUTHORIZE A COUNTY THAT IMPOSES A SALES TAX FOR PUBLIC TRANSPORTATION TO LEVY A VEHICLE RENTAL TAX.

Senator Clodfelter offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 34, noes 14, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Bland, Boseman, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Graham, Hagan, Hartsell, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein—34.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Presnell, Smith, Tillman and Webster—14.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

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WITHDRAWAL FROM COMMITTEE

H.B. 2868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO LEASE CERTAIN PROPERTY ON THE MAINLAND SIDE OF THE HOLDEN BEACH BRIDGE, re-referred to the **State & Local Government Committee** earlier today.

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 **Transportation 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 bill to the **Transportation Committee**.

H.B. 1399 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MOTOR VEHICLE LAWS CONCERNING WEIGHING OF WOOD RESIDUALS AND EXEMPTION FROM REGISTRATION FOR CERTAIN AGRICULTURAL VEHICLES, AND TO AUTHORIZE AGREEMENTS BETWEEN THE DEPARTMENT OF TRANSPORTATION AND LOCAL GOVERNMENTS TO EXPEDITE TRANSPORTATION PROJECTS, referred to the **Transportation Committee** on July 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Transportation Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Transportation Committee** and re-refers the bill to the **Commerce Committee**.

The Senate recesses at 2:35 P.M. for the purpose of a Finance Committee meeting to reconvene at 2:40 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

H.B. 2047 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE CONSUMER CHOICE IN VIDEO SERVICE PROVIDERS AND TO ESTABLISH UNIFORM TAXES FOR VIDEO PROGRAMMING SERVICES.

Upon motion of Senator Clodfelter, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

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S.B. 1741 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005, TO INCREASE TEACHER AND STATE EMPLOYEE PAY, TO REDUCE THE SALES TAX RATE AND THE INCOME TAX RATE APPLICABLE TO MOST SMALL BUSINESSES, TO CAP THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUEL TAX RATE AT ITS CURRENT RATE, TO ENACT OTHER TAX REDUCTIONS, AND TO PROVIDE FOR THE FINANCING OF HIGHER EDUCATION FACILITIES AND PSYCHIATRIC HOSPITALS AND OTHER CAPITAL PROJECTS, for adoption upon third reading.

Upon motion of Senator Rand the Conference Report is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Senator Tillman announces a pair vote. If Senator Holloman were present, he would vote "aye"; Senator Tillman votes "no".

Senator Apodaca announces a pair vote. If Senator Hoyle were present, he would vote "aye"; Senator Apodaca votes "no".

Upon motion of Senator Garrou the Senate adopts the Conference Report on its third reading, by roll-call vote, ayes 31, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Bland, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Garwood, Graham, Hagan, Hartsell, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein—31.

Voting in the negative: Senators Allran, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Smith and Webster—15.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 767 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING TARGET INCOMES FOR PUBLIC HOUSING AUTHORITIES.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 2651, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ROTH 401K CONTRIBUTIONS FOR LAW ENFORCEMENT OFFICERS.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 2188 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PROCEDURE FOR CHALLENGING THE QUALIFICATIONS OF A CANDIDATE, as amended on second reading.

The Senate Committee Substitute bill, as amended, passes its third reading (47-1) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

July 6, 2006

H.B. 2047 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE CONSUMER CHOICE IN VIDEO SERVICE PROVIDERS AND TO ESTABLISH UNIFORM TAXES FOR VIDEO PROGRAMMING SERVICES, temporarily displaced earlier.

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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 7, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 1987 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTORY BASIC AND STANDARD HEALTH PLANS FOR SMALL EMPLOYERS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HEALTH CARE, referred to the **Health Care Committee** on June 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Health Care Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Health Care Committee** and re-refers the bill to the **Commerce Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 6, 2006

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. 1741** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005, TO INCREASE TEACHER AND STATE EMPLOYEE PAY, TO REDUCE THE SALES TAX RATE AND THE INCOME TAX RATE APPLICABLE TO MOST SMALL BUSINESSES, TO CAP THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUEL TAX RATE

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AT ITS CURRENT RATE, TO ENACT OTHER TAX REDUCTIONS, AND TO PROVIDE FOR THE FINANCING OF HIGHER EDUCATION FACILITIES AND PSYCHIATRIC HOSPITALS AND OTHER CAPITAL PROJECTS.

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. 1741 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:

H.J.R. 2893 (Committee Substitute), A JOINT RESOLUTION TO SUPPORT THE EFFORTS OF SISTER, SPEAK, A PROGRAM OF THE YWCA IN WINSTON-SALEM, NORTH CAROLINA, IN ITS QUEST TO EDUCATE AFRICAN-AMERICAN WOMEN ABOUT BREAST HEALTH AND BREAST CANCER AWARENESS, TO ENCOURAGE OTHERS ACROSS THE STATE TO FORM SIMILAR ORGANIZATIONS TO HELP SAVE THE LIVES OF WOMEN IN THIS STATE, AND TO HONOR THE LIVES OF REVEREND CONITA ARCHIE-HUNT, BENITA SIMS, AND GRETCHEN HOLLAND, WHO WERE ADVOCATES FOR EARLY BREAST CANCER DETECTION AND QUALITY TREATMENT FOR AFRICAN-AMERICAN WOMEN.

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 (47-0) and third reading with members standing and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 1741, AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005, TO INCREASE TEACHER AND STATE EMPLOYEE PAY, TO REDUCE THE SALES TAX RATE AND THE INCOME TAX RATE APPLICABLE TO MOST SMALL

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BUSINESSES, TO CAP THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUEL TAX RATE AT ITS CURRENT RATE, TO ENACT OTHER TAX REDUCTIONS, AND TO PROVIDE FOR THE FINANCING OF HIGHER EDUCATION FACILITIES AND PSYCHIATRIC HOSPITALS AND OTHER CAPITAL PROJECTS.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns subject to receipt of committee reports, reading of messages from the House of Representatives and ratification of bills, to meet tomorrow, Friday, July 7, at 1:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 277 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A VOLUNTARY MEDIATION PROGRAM FOR RESIDENTIAL PROPERTY INSURANCE CLAIMS CAUSED BY DISASTERS, TO REQUIRE SELLERS OF PROPERTY INSURANCE TO DISCLOSE MAJOR PERILS THAT ARE NOT COVERED, TO PROVIDE FOR THE TOLLING OF TIME PERIODS IN PROPERTY INSURANCE POLICIES IN DISASTER SITUATIONS, TO PROVIDE FOR THE TOLLING OF TIME PERIODS IF THE OPERATIONS OF THE DEPARTMENT OF INSURANCE ARE INTERRUPTED BY FORCE MAJEURE, AND TO AUTHORIZE MOTOR VEHICLE SELF-INSURANCE FOR CERTAIN RELIGIOUS ORGANIZATIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 7, for concurrence.

S.B. 1903 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HERTFORD COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENT EMPLOYEES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 7, for concurrence.

S.B. 1216 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ALLOW LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, AND (2) ALLOW ENTITIES DESIGNATED BY THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO SHARE INFORMATION WITH A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT IS RELEVANT TO AN ASSESSMENT OF REPORTS OF CHILD ABUSE,

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NEGLECT, AND DEPENDENCY BY A LOCAL DEPARTMENT OF SOCIAL SERVICES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 7, for concurrence.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 770 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOR AN INCOME TAX DEDUCTION FOR CERTAIN CONTRIBUTIONS TO THE PARENTAL SAVINGS 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 70795, which changes the title upon concurrence to read **H.B. 770** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CLAY COUNTY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is adopted and engrossed.

Upon adoption of the Senate Committee Substitute, the bill becomes a local bill.

H.B. 2477, A BILL TO BE ENTITLED AN ACT AMENDING THE DURHAM COUNTY ROOM OCCUPANCY TAX PROVISIONS, with a favorable report.

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, 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 50761, which changes the title upon concurrence to read **H.B. 882** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CREATING A TAXING DISTRICT IN OCRACOKE TOWNSHIP FOR THE PURPOSE OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is adopted and engrossed.

H.B. 1820, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, 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 50758, is adopted and engrossed.

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H.B. 2445, A BILL TO BE ENTITLED AN ACT TO AMEND THE OCCUPANCY TAX IN HALIFAX COUNTY, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10639, which changes the title upon concurrence to read **H.B. 2445** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE OCCUPANCY TAX IN HALIFAX COUNTY, is adopted and engrossed.

H.B. 1269 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES, AND OTHER COMMISSIONS, 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 50760, which changes the title upon concurrence to read **H.B. 1269** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHOWAN COUNTY TO LEVY AN ADDITIONAL TWO PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, is adopted and engrossed.

Upon adoption of the Senate Committee Substitute, the bill becomes a local bill.

H.B. 2259 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ELKIN, PILOT MOUNTAIN, DOBSON, AND AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CREATE A TAXING DISTRICT IN OCRACOCK TOWNSHIP FOR THE PURPOSE OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, AND TO AMEND THE ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAXES FOR THE COUNTIES OF CHOWAN AND MARTIN, 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, 10638, which changes the title upon concurrence to read **H.B. 2259** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ELKIN, PILOT MOUNTAIN, AND DOBSON TO LEVY A SIX PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 1523, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill 15427, is adopted and engrossed.

H.B. 1248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE IDENTITY THEFT PROTECTION ACT OF 2005, 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 70794, which changes the title upon concurrence to read **H.B. 1248** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE IDENTITY THEFT PROTECTION ACT OF 2005, is adopted and engrossed.

H.B. 1847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN POLITICAL COMMITTEE TREASURER TRAINING, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL 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 50764, which changes the title upon concurrence to read **H.B. 1847** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN REGULATION OF ELECTIONEERING COMMUNICATIONS IN NORTH CAROLINA, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:45 P.M.

ONE HUNDRED SIXTY-THIRD DAY

Senate Chamber
Friday, July 7, 2006

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 Psalmist wrote, "Teach us to number our days, that we may apply our heart and minds with wisdom.

"We understand the arithmetic of numbered days here in the Senate. But we thank you for legislation already enacted and progress being made on unresolved bills. Help the Senators finish those items still in process with grace and wisdom. For your sake and the people's sake, Amen."

The Chair grants leaves of absence for today to Senator Cowell, Senator Forrester, Senator Garwood, Senator Hartsell, Senator Hunt, Senator Jenkins and Senator Pittenger.

July 7, 2006

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Thursday, 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.

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. 1069, AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS FOR THE TOWN OF OAK ISLAND. (Became law upon ratification, July 6, 2006 - S.L. 2006-60.)

S.B. 1896, AN ACT TO AUTHORIZE THE BERTIE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENT EMPLOYEES. (Became law upon ratification, July 6, 2006 - S.L. 2006-61.)

H.B. 1989, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF PRINCETON AND SMITHFIELD. (Became law upon ratification, July 6, 2006 - S.L. 2006-62.)

H.B. 2289, AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEVILLE RELATING TO AN AGREEMENT MAKING A FULL AND FINAL SETTLEMENT OF DISPUTED MATTERS RELATING TO THE AMOUNT OF FRANCHISE TAX DUE THE CITY BY TWO PUBLIC UTILITIES. (Became law upon ratification, July 6, 2006 - S.L. 2006-63.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee**:

S.B. 1365, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOTTERY OVERSIGHT COMMITTEE, with a favorable report.

S.B. 1840, A BILL TO BE ENTITLED AN ACT REPEALING THE E-NC AUTHORITY SUNSET PROVISION AND APPROPRIATING FUNDS TO THE E-NC AUTHORITY FOR HIGH-SPEED INTERNET CONNECTIVITY INCENTIVE GRANTS AND FOR JOB CREATION THROUGH ECONOMIC DEVELOPMENT AND SUPPORT OF E-NC BUSINESS AND TECHNOLOGY TELECENTERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

July 7, 2006

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15429, which changes the title to read **S.B. 1840** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EARMARK A PORTION OF THE STATE'S SHARE OF THE SALES TAX ON TELECOMMUNICATIONS AND VIDEO PROGRAMMING SERVICES FOR GRANTS FOR BROADBAND CONNECTIVITY, PEG CHANNELS, AND COMMUNITY MEDIA CENTERS, is adopted and engrossed.

Upon motion of Senator Dalton, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 1584 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO COVER INCREASED PROGRAM OPERATING COSTS AND THE COSTS OF ANY LEGISLATIVE SALARY INCREASE FOR PERSONNEL WHO ADMINISTER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 35444, is adopted and engrossed.

By Senator Kerr for 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, 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 30623, which changes the title upon concurrence to read **H.B. 350** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MARTIN COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, is adopted and engrossed.

By Senator Albertson for 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, 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 30625, which changes the title upon concurrence to read **H.B. 1099** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT, COMMISSION, AUTHORITY, OR BOARD MAY CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO SATISFY THE REQUIREMENTS FOR CERTIFICATION OF LOCAL PROGRAMS FOR

July 7, 2006

APPROVAL OF THE CONSTRUCTION OR ALTERATION OF THE DISTRIBUTION SYSTEM OF A PROPOSED OR EXISTING PUBLIC WATER SYSTEM, is adopted and engrossed.

Upon motion of Senator Dalton, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

By Senator Bingham for the **Health Care 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, 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 60854, which changes the title upon concurrence to read **H.B. 448** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT COMMUNITY COLLEGES FROM THE LAW GOVERNING SMOKING RESTRICTIONS, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1248 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE IDENTITY THEFT PROTECTION ACT OF 2005.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 10.

S.B. 1216 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ALLOW LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, AND (2) ALLOW ENTITIES DESIGNATED BY THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO SHARE INFORMATION WITH A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT IS RELEVANT TO AN ASSESSMENT OF REPORTS OF CHILD ABUSE, NEGLECT, AND DEPENDENCY BY A LOCAL DEPARTMENT OF SOCIAL SERVICES.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 10.

WITHDRAWAL FROM COMMITTEE

S.B. 192 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN REVIEW PROCEDURES FOR UNIVERSITY OF NORTH

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CAROLINA CONSTRUCTION CONTRACTS AND CAPITAL IMPROVEMENT PROJECTS, referred to the **Rules and Operations of the Senate Committee** on February 23, 2005.

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 **Appropriations/Base Budget 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 bill to the **Appropriations/Base Budget Committee**.

The Senate recesses at 1:23 P.M. for the purpose of a Commerce Committee meeting to reconvene at 1:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 1399 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MOTOR VEHICLE LAWS CONCERNING WEIGHING OF WOOD RESIDUALS AND EXEMPTION FROM REGISTRATION FOR CERTAIN AGRICULTURAL VEHICLES, AND TO AUTHORIZE AGREEMENTS BETWEEN THE DEPARTMENT OF TRANSPORTATION AND LOCAL GOVERNMENTS TO EXPEDITE TRANSPORTATION PROJECTS, with a favorable report.

H.B. 2174, A BILL TO BE ENTITLED AN ACT TO RAISE THE MINIMUM WAGE IN NORTH CAROLINA, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the bill is placed on today's Calendar.

CALENDAR *(continued)*

H.B. 770 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CLAY COUNTY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 38, noes 5, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Holloman, Hoyle, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein—38.

Voting in the negative: Senators Brock, East, Presnell, Tillman and Webster—5.

The Senate Committee Substitute bill remains on the Calendar for Monday, July 10, upon third reading.

H.B. 882 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CREATING A TAXING DISTRICT IN OCRACOCKE TOWNSHIP FOR THE PURPOSE OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 38, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Holloman, Hoyle, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein—38.

Voting in the negative: Senators Brock, East, Presnell, Tillman and Webster—5.

The Senate Committee Substitute bill remains on the Calendar for Monday, July 10, upon third reading.

H.B. 1269 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHOWAN COUNTY TO LEVY AN ADDITIONAL TWO PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 38, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Holloman, Hoyle, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein—38.

Voting in the negative: Senators Brock, East, Presnell, Tillman and Webster—5.

The Senate Committee Substitute bill remains on the Calendar for Monday, July 10, upon third reading.

H.B. 2259 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ELKIN, PILOT MOUNTAIN, AND DOBSON TO LEVY A SIX PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

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The Senate Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 38, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Holloman, Hoyle, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein—38.

Voting in the negative: Senators Brock, East, Presnell, Tillman and Webster—5.

The Senate Committee Substitute bill No. 2 remains on the Calendar for Monday, July 10, upon third reading.

H.B. 2445 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE OCCUPANCY TAX IN HALIFAX COUNTY, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 38, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Holloman, Hoyle, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein—38.

Voting in the negative: Senators Brock, East, Presnell, Tillman and Webster—5.

The Senate Committee Substitute bill remains on the Calendar for Monday, July 10, upon third reading.

H.B. 2477, A BILL TO BE ENTITLED AN ACT AMENDING THE DURHAM COUNTY ROOM OCCUPANCY TAX PROVISIONS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 38, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Holloman, Hoyle, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein—38.

Voting in the negative: Senators Brock, East, Presnell, Tillman and Webster—5.

The bill remains on the Calendar for Monday, July 10, upon third reading.

H.B. 1820 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Garrou, Goodall, Graham, Hagan, Holloman, Hoyle, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—43.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, July 10, upon third reading.

S.B. 1734 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF HARRISBURG, for concurrence upon third reading.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Garrou, Goodall, Graham, Hagan, Holloman, Hoyle, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—43.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1903 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HERTFORD COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENT EMPLOYEES, for concurrence.

Upon motion of Senator Holloman, the Senate concurs in the House Committee Substitute bill (40-3) and the bill is ordered enrolled.

H.B. 2047 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE CONSUMER CHOICE IN VIDEO SERVICE PROVIDERS AND TO ESTABLISH UNIFORM TAXES FOR VIDEO PROGRAMMING SERVICES, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Garrou, Goodall, Graham, Hagan, Holloman, Hoyle, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—43.

Voting in the negative: None.

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The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM COMMITTEE

S.B. 1886, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA STATE PORTS AUTHORITY FOR CAPITAL IMPROVEMENTS, referred to the **Appropriations/Base Budget Committee** on May 25.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the bill to the **Finance Committee**.

The Senate recesses at 2:06 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 2:10 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 Dannelly.

CALENDAR *(continued)*

S.B. 1523 (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.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1151 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INSTRUCTIONAL PLANNING TIME AND A DUTY-FREE LUNCH PERIOD FOR TEACHERS.

The Senate Committee Substitute bill passes its second (36-6) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1847 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN REGULATION OF ELECTIONEERING COMMUNICATIONS IN NORTH CAROLINA.

Senator Rand offers Amendment No. 1 which is adopted (42-0).

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The Senate Committee Substitute bill, as amended, passes its second (36-6) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1896 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) TO IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) TO EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; AND (4) TO AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 10.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee**:

S.B. 192, 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 35446, which changes the title to read **S.B. 192** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN REVIEW PROCEDURES FOR UNIVERSITY OF NORTH CAROLINA CONSTRUCTION CONTRACTS AND CAPITAL IMPROVEMENT PROJECTS, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 277 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A VOLUNTARY MEDIATION PROGRAM FOR RESIDENTIAL PROPERTY INSURANCE CLAIMS CAUSED BY DISASTERS, TO REQUIRE SELLERS OF PROPERTY INSURANCE TO DISCLOSE MAJOR PERILS THAT ARE NOT COVERED, TO PROVIDE FOR THE TOLLING OF TIME PERIODS IN PROPERTY INSURANCE POLICIES IN DISASTER SITUATIONS, TO PROVIDE FOR THE TOLLING OF TIME PERIODS IF THE OPERATIONS OF THE DEPARTMENT OF INSURANCE ARE INTERRUPTED BY FORCE MAJEURE, AND TO AUTHORIZE MOTOR VEHICLE SELF-INSURANCE FOR CERTAIN RELIGIOUS ORGANIZATIONS, for concurrence.

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Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (42-0) and the bill is ordered enrolled and sent to the Governor by special message.

H.B. 1099 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT, COMMISSION, AUTHORITY, OR BOARD MAY CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO SATISFY THE REQUIREMENTS FOR CERTIFICATION OF LOCAL PROGRAMS FOR APPROVAL OF THE CONSTRUCTION OR ALTERATION OF THE DISTRIBUTION SYSTEM OF A PROPOSED OR EXISTING PUBLIC WATER SYSTEM, placed earlier on today's Calendar.

Without objection, Senator Jacumin 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 (41-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 2174, A BILL TO BE ENTITLED AN ACT TO RAISE THE MINIMUM WAGE IN NORTH CAROLINA, placed earlier on today's Calendar.

Senator Berger of Rockingham announces a pair vote. If Senator Forrester were present, he would vote "aye"; Senator Berger of Rockingham votes "no".

Senator Brunstetter announces a pair vote. If Senator Cowell were present, she would vote "aye"; Senator Brunstetter votes "no".

The bill passes its second reading (32-8).

Senator Goodall objects to third reading of the bill. Pursuant to Rule 50, the President orders the bill placed on the Calendar for Monday, July 10, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 2880 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT A PERSON WHO IS GUILTY OF PASSING A STOPPED SCHOOL BUS FROM RECEIVING A PRAYER FOR JUDGMENT CONTINUED, referred to the **Judiciary I Committee** on July 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **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 bill to the **Judiciary II 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, re-referred to the **Rules and Operations of the Senate Committee** on May 16, 2005.

July 7, 2006

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the bill to the **Judiciary I Committee**.

H.B. 966, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DURHAM COUNTY BOARD OF ELECTIONS TO MOVE TWO PRECINCT BOUNDARIES, re-referred to the **Rules and Operations of the Senate Committee** on May 18, 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 **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the bill to the **Judiciary I Committee**.

CALENDAR *(continued)*

S.B. 1840 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EARMARK A PORTION OF THE STATE'S SHARE OF THE SALES TAX ON TELECOMMUNICATIONS AND VIDEO PROGRAMMING SERVICES FOR GRANTS FOR BROADBAND CONNECTIVITY, PEG CHANNELS, AND COMMUNITY MEDIA CENTERS, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (40-2) 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 Soles for the **Commerce Committee**:

H.B. 1987 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTORY BASIC AND STANDARD HEALTH PLANS FOR SMALL EMPLOYERS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HEALTH CARE, 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 70796, is adopted and engrossed.

ADDITIONAL SPONSOR

Senator Snow requests to be added as a sponsor of previously introduced legislation:

S.B. 1833, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR MEMORIAL SERVICE.

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Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns in memory of Major David Green and subject to receipt of committee reports, referral of bills, reading of messages from the House of Representatives and executive orders, to meet Monday, July 10, 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, 2006

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 for **S.B. 339**, A BILL TO BE ENTITLED AN ACT AUTHORIZING CASWELL COUNTY AND THE TOWNS OF AHOSKIE, ELKIN, AND YANCEYVILLE 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:

Representative McLawhorn has been removed as a conferee.

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. 774 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 10, for concurrence.

S.B. 1199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES OF VARIOUS CITIES AND TOWNS TO USE ALL-TERRAIN VEHICLES ON THE PUBLIC STREETS AND HIGHWAYS IN THOSE CITIES AND

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TOWNS, AND AFFECTING ABANDONED AND JUNKED VEHICLES IN CERTAIN CITIES AND TOWNS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 10, for concurrence.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1871 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CONVICTED OF AN OFFENSE IN ANOTHER STATE THAT REQUIRES REGISTRATION AS A SEX OFFENDER MUST ALSO REGISTER IN NORTH CAROLINA; TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO PROVIDE NOTICE OF SEX OFFENDER REGISTRATION REQUIREMENTS TO APPLICANTS FOR A DRIVERS LICENSE, LEARNER'S PERMIT, INSTRUCTION PERMIT, OR IDENTIFICATION CARD; AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO SEARCH THE NATIONAL SEX OFFENDER PUBLIC REGISTRY FOR AN APPLICANT'S NAME BEFORE ISSUING EITHER A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD.

Referred to the **Judiciary I Committee**.

H.B. 2043 (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. 2212 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE LOTTERY OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE LOTTERY COMMISSION TO SEND REPORTS TO THAT COMMITTEE.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 2699 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE VISION CARE PROGRAM.

Referred to the **Health Care Committee**.

H.B. 2744 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT FOR CERTAIN TAXPAYERS, AND TO EXTEND CERTAIN SALES AND USE TAX REFUNDS.

Referred to the **Finance Committee**.

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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 103, Proclamation of State of Disaster for the towns of Boiling Springs, Taylorsville, and Tryon and for the cities of Cherryville, Kings Mountain, Newton, Shelby, and Saluda.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce 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, 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 80675, which changes the title upon concurrence to read **H.B. 1291** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR VIOLATING CERTAIN LAWS REGULATING CERTIFIED PUBLIC ACCOUNTANTS, is adopted and engrossed.

H.B. 2883 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT MILITARY SERVICEMEMBERS AND VETERANS FROM IDENTITY THEFT, 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 10641, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 1211, A BILL TO BE ENTITLED AN ACT TO ENACT THE BLAIRE THOMPSON DRUG DEALER LIABILITY ACT IN ORDER TO PROVIDE A CIVIL REMEDY FOR DAMAGES TO PERSONS IN A COMMUNITY INJURED BY AN INDIVIDUAL'S USE OF ILLEGAL CONTROLLED SUBSTANCES AND TO APPROPRIATE FUNDS TO HELP IMPLEMENT THIS ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55518, which changes the title to read **S.B. 1211** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE BLAIRE THOMPSON FUND IN ORDER TO PROVIDE COMPENSATION FOR DAMAGES RESULTING FROM THE ILLEGAL DISTRIBUTION OF CONTROLLED SUBSTANCES, is adopted and engrossed.

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Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1323 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE 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 30626, is adopted and engrossed.

H.B. 1846 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LOWER THE THRESHOLD FROM ONE HUNDRED DOLLARS TO FIFTY DOLLARS FOR ACCEPTING A POLITICAL CONTRIBUTION IN CASH; TO REQUIRE THE REPORTING OF THE IDENTITY OF A CONTRIBUTOR WHO MAKES A CONTRIBUTION OF MORE THAN FIFTY DOLLARS BY MONEY ORDER; TO SPECIFY THE TIME PERIOD BY WHICH THE THRESHOLD FOR IDENTIFYING AN INDIVIDUAL CONTRIBUTOR'S IDENTITY IS MEASURED; TO ADD A PENALTY FOR ACCEPTING CONTRIBUTIONS FROM CERTAIN NONLEGAL SOURCES; AND TO BAR PROSECUTION IF BEST EFFORTS ARE MADE TO ENSURE THAT A CONTRIBUTION IS FROM A LEGAL SOURCE, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL 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 70797, which changes the title upon concurrence to read **H.B. 1846** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LOWER THE THRESHOLD FROM ONE HUNDRED DOLLARS TO FIFTY DOLLARS FOR ACCEPTING A POLITICAL CONTRIBUTION IN CASH; TO PROHIBIT THE USE OF BLANK PAYEE CHECKS IN CAMPAIGN CONTRIBUTIONS; TO REQUIRE THE REPORTING OF THE IDENTITY OF A CONTRIBUTOR WHO MAKES A CONTRIBUTION OF MORE THAN FIFTY DOLLARS; TO SPECIFY THE TIME PERIOD BY WHICH THE THRESHOLD FOR IDENTIFYING AN INDIVIDUAL CONTRIBUTOR'S IDENTITY IS MEASURED; TO ADD A PENALTY FOR ACCEPTING CONTRIBUTIONS FROM CERTAIN NONLEGAL SOURCES; TO BAR PROSECUTION IF BEST EFFORTS ARE MADE TO ENSURE THAT A CONTRIBUTION IS FROM A LEGAL SOURCE; AND TO STRENGTHEN POLITICAL COMMITTEE TREASURER TRAINING, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:46 P.M.

July 7, 2006

ONE HUNDRED SIXTY-FOURTH DAY

Senate Chamber
Monday, July 10, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, Holy Scripture says, 'Blessed are the peacemakers.' Most all of us want peace in our world, our families, here in the Senate and within our own skin. We can't just love peace, that's too passive. Making peace is really hard work. Help us to work hard this week at our peacemaking efforts. After all, Jesus has already complemented those efforts, Amen"

The Chair grants a leave of absence for tonight to Senator Garwood.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, 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 Chair extends the privileges of the floor to Dr. Kathleen Clem from Durham, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1845 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE USE OF CONTRIBUTIONS TO CANDIDATES AND CANDIDATES' CAMPAIGN FUNDS TO THOSE RELATED TO CAMPAIGNS AND OFFICE-HOLDING DUTIES; TO PROHIBIT PERSONAL USE OF CONTRIBUTIONS BY CANDIDATES AND CANDIDATE CAMPAIGN COMMITTEES; AND TO STRENGTHEN REPORTING REQUIREMENTS TO PREVENT VIOLATIONS, 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 50769, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 2208 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT CERTAIN STATUTORY CRITERIA

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RELATED TO GRANTS FROM THE CLEAN WATER MANAGEMENT TRUST FUND FOR WASTEWATER AND STORMWATER COLLECTION AND TREATMENT PROJECTS HAVE PRIORITY OVER CRITERIA ESTABLISHED BY THE BOARD OF TRUSTEES OF THE CLEAN WATER MANAGEMENT TRUST FUND AND TO CLARIFY THE AUTHORITY OF THE BOARD OF TRUSTEES WITH RESPECT TO MATCH REQUIREMENTS IN CONNECTION WITH GRANT AWARDS, 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 50765, which changes the title upon concurrence to read **H.B. 2208** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT CERTAIN STATUTORY CRITERIA RELATED TO GRANTS FROM THE CLEAN WATER MANAGEMENT TRUST FUND FOR WASTEWATER AND STORMWATER COLLECTION AND TREATMENT PROJECTS HAVE PRIORITY OVER CRITERIA ESTABLISHED BY THE BOARD OF TRUSTEES OF THE CLEAN WATER MANAGEMENT TRUST FUND, TO CLARIFY THE AUTHORITY OF THE BOARD OF TRUSTEES WITH RESPECT TO MATCH REQUIREMENTS IN CONNECTION WITH GRANT AWARDS, AND TO ESTABLISH TERM LIMITS FOR THE BOARD OF TRUSTEES, is adopted and engrossed.

By Senator Holloman for the **State & Local Government Committee**:

H.B. 2041 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO USE CIVILIAN TRAFFIC INVESTIGATORS TO INVESTIGATE PROPERTY DAMAGE CRASHES, with a favorable report.

H.B. 2570, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT, with a favorable report.

H.B. 2724 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO PERMIT THE TOWN COUNCIL TO ACCEPT PAYMENTS IN LIEU OF TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS FOR NEW DEVELOPMENT, with a favorable report.

S.B. 294 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CAJAH MOUNTAIN TO CHANGE THE NAME OF THE BOARD OF ALDERMEN TO TOWN COUNCIL AND THE TITLE OF THE CHAIRMAN TO MAYOR, with a favorable report as to concurrence.

H.B. 845 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD SURRY AND WILKES COUNTIES, AND THE TOWN OF SURF CITY,

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TO THE AREAS IN WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30627, which changes the title upon concurrence to read **H.B. 845** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD GASTON, SURRY, AND WILKES COUNTIES, AND THE TOWNS OF OCEAN ISLE BEACH AND SURF CITY, TO THE AREAS IN WHICH LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND TO ALLOW THE CITY OF WHITEVILLE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 277, AN ACT TO PROVIDE FOR A VOLUNTARY MEDIATION PROGRAM FOR RESIDENTIAL PROPERTY INSURANCE CLAIMS CAUSED BY DISASTERS, TO REQUIRE SELLERS OF PROPERTY INSURANCE TO DISCLOSE MAJOR PERILS THAT ARE NOT COVERED, TO PROVIDE FOR THE TOLLING OF TIME PERIODS IN PROPERTY INSURANCE POLICIES IN DISASTER SITUATIONS, TO PROVIDE FOR THE TOLLING OF TIME PERIODS IF THE OPERATIONS OF THE DEPARTMENT OF INSURANCE ARE INTERRUPTED BY FORCE MAJEURE, AND TO AUTHORIZE MOTOR VEHICLE SELF-INSURANCE FOR CERTAIN RELIGIOUS ORGANIZATIONS.

S.B. 1156, AN ACT TO ESTABLISH THE NORTH CAROLINA DAIRY STABILIZATION AND GROWTH FUND TO PROVIDE CRITICAL SUPPORT FOR THE NORTH CAROLINA DAIRY INDUSTRY.

H.B. 1094, AN ACT TO ESTABLISH A PILOT PROGRAM TO STREAMLINE THE PROCESS FOR THE ISSUANCE OF AN IMPROVEMENT PERMIT OR AN AUTHORIZATION TO CONSTRUCT FOR AN ON-SITE SUBSURFACE WASTEWATER SYSTEM IN CERTAIN COUNTIES BY AUTHORIZING LOCAL HEALTH DEPARTMENTS, AUTHORIZED AGENTS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND LICENSED SOIL SCIENTISTS TO COMPLETE SOIL AND SITE EVALUATIONS IN THE PARTICIPATING COUNTIES.

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H.B. 1502, AN ACT TO ENACT THE SCHOOLCHILDREN'S HEALTH ACT OF 2006.

H.B. 2077, AN ACT TO MAKE CHANGES WITH RESPECT TO THE IMPLEMENTATION OF MENTAL HEALTH REFORM.

H.B. 2651, AN ACT TO PROVIDE FOR ROTH 401K CONTRIBUTIONS FOR LAW ENFORCEMENT OFFICERS.

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. 1200, AN ACT TO AMEND THE CHARTER OF THE TOWN OF SPINDALE TO ALLOW THE TOWN TO FOLLOW THE GENERAL LAW ON SCHEDULING TOWN BOARD MEETINGS.

S.B. 1734, AN ACT TO DEANNEX CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF HARRISBURG.

S.B. 1877, AN ACT TO PROVIDE MEMBERSHIP GUIDELINES FOR THE MACON-JACKSON REGIONAL AIRPORT AUTHORITY AND TO PROVIDE FOR THE FILLING OF VACANCIES IN THE AIRPORT AUTHORITY.

S.B. 1903, AN ACT TO AUTHORIZE THE HERTFORD COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENT EMPLOYEES.

S.B. 1933, AN ACT TO ADAPT THE INSTALLATION DATE OF NEWLY ELECTED MEMBERS OF THE NASH-ROCKY MOUNT BOARD OF EDUCATION TO THE RECENTLY ENACTED LATER DATE FOR THE ELECTION CANVASS, AND PROVIDING FOR ELECTIONS OF THE BOARD OF TRUSTEES FOR ROANOKE RAPIDS GRADED SCHOOL DISTRICT.

H.B. 2015, AN ACT TO PROVIDE STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF BATH.

H.B. 2135, AN ACT TO EXEMPT THE SALE OF REAL PROPERTY WHICH WAS OWNED BY THE HIGH POINT ALCOHOLIC BEVERAGE CONTROL BOARD FROM THE REQUIREMENTS OF ARTICLE 12 OF CHAPTER 160A FOR SALES THAT OCCURRED IN 2002 AND 2005.

H.B. 2136, AN ACT TO INCREASE THE NUMBER OF THE CITY OF HIGH POINT ABC BOARD MEMBERS FROM THREE TO FIVE AND TO ESTABLISH TERMS OF OFFICE FOR THE NEWLY APPOINTED MEMBERS.

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H.B. 2148, AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO REGULATE AND CONTROL ELECTROFISHING OF CATFISH ON THE CAPE FEAR RIVER IN BLADEN COUNTY.

H.B. 2406, AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE RUTHERFORD COUNTY BOARD OF EDUCATION.

H.B. 2421, AN ACT TO AUTHORIZE THE PIEDMONT TRIAD WATER AUTHORITY TO EMPLOY LAKE WARDENS WITH THE AUTHORITY OF PEACE OFFICERS.

H.B. 2526, AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

H.J.R. 2893, A JOINT RESOLUTION TO SUPPORT THE EFFORTS OF SISTER, SPEAK, A PROGRAM OF THE YWCA IN WINSTON-SALEM, NORTH CAROLINA, IN ITS QUEST TO EDUCATE AFRICAN-AMERICAN WOMEN ABOUT BREAST HEALTH AND BREAST CANCER AWARENESS, TO ENCOURAGE OTHERS ACROSS THE STATE TO FORM SIMILAR ORGANIZATIONS TO HELP SAVE THE LIVES OF WOMEN IN THIS STATE, AND TO HONOR THE LIVES OF REVEREND CONITA ARCHIE-HUNT, BENITA SIMS, AND GRETCHEN HOLLAND, WHO WERE ADVOCATES FOR EARLY BREAST CANCER DETECTION AND QUALITY TREATMENT FOR AFRICAN-AMERICAN WOMEN. (Res. 20)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 1237, AN ACT TO REVISE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM. (Became law upon approval of the Governor, July 9, 2006 - S.L. 2006-64.)

H.B. 1074, AN ACT TO CLARIFY THE PROCEDURE FOR ADMITTING CHILDREN TO THE PUBLIC SCHOOLS. (Became law upon approval of the Governor, July 9, 2006 - S.L. 2006-65.)

S.B. 1741, AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005, TO INCREASE TEACHER AND STATE EMPLOYEE PAY, TO REDUCE THE SALES TAX RATE AND THE INCOME TAX RATE APPLICABLE TO MOST SMALL BUSINESSES, TO CAP THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUEL TAX RATE AT ITS CURRENT RATE, TO ENACT OTHER TAX REDUCTIONS, AND TO PROVIDE FOR THE FINANCING OF HIGHER EDUCATION FACILITIES AND PSYCHIATRIC HOSPITALS AND OTHER

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CAPITAL PROJECTS. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-66.)

BILLS ORDERED SENT TO THE GOVERNOR

Upon motion of Senator Rand, all bills sent to the House of Representatives and to the Governor today and through the remainder of session are sent by special message.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 1248 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE IDENTITY THEFT PROTECTION ACT OF 2005.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 11.

H.B. 1896 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) TO IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) TO EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; AND (4) TO AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 11.

H.B. 1291 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR VIOLATING CERTAIN LAWS REGULATING CERTIFIED PUBLIC ACCOUNTANTS.

Upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, July 12.

H.B. 770 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CLAY COUNTY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt,

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Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, 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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 882 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CREATING A TAXING DISTRICT IN OCRACOE TOWNSHIP FOR THE PURPOSE OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, 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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1269 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHOWAN COUNTY TO LEVY AN ADDITIONAL TWO PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon third reading.

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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, 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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1820 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, upon third reading.

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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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, 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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 2259 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF ELKIN, PILOT MOUNTAIN, AND DOBSON TO LEVY A SIX PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The Senate Committee Substitute bill No. 2 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—44.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

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. 2445 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE OCCUPANCY TAX IN HALIFAX COUNTY, upon third reading.

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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—44.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

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The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 2477, A BILL TO BE ENTITLED AN ACT AMENDING THE DURHAM COUNTY ROOM OCCUPANCY TAX PROVISIONS, 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—44.

Voting in the negative: Senators East, Forrester, Pittenger, Presnell and Webster—5.

The bill is ordered enrolled.

H.B. 350 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MARTIN COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein—41.

Voting in the negative: Senators Brock, East, Forrester, Pittenger, Presnell, Tillman and Webster—7.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, July 11, upon third reading.

S.B. 350 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE MUNICIPALITIES OF AHOSKIE, CRAMERTON, FARMVILLE, AND LAGRANGE; TO PROVIDE THAT HIGH POINT CITY ELECTIONS SHALL BE HELD IN THE EVEN-NUMBERED YEARS AND DECIDED ON A PLURALITY BASIS; TO AMEND THE CHARTER OF THE TOWN OF MCFARLAN TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS; TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS;

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TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE; TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER; PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261; AND TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, for concurrence.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 11, for concurrence.

S.B. 1199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES OF VARIOUS CITIES AND TOWNS TO USE ALL-TERRAIN VEHICLES ON THE PUBLIC STREETS AND HIGHWAYS IN THOSE CITIES AND TOWNS, AND AFFECTING ABANDONED AND JUNKED VEHICLES IN CERTAIN CITIES AND TOWNS, for concurrence.

Upon motion of Senator Forrester, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 11, for concurrence.

INTRODUCTION OF BILLS AND RESOLUTIONS

A resolution is filed for introduction, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senators Berger of Rockingham, Rand, Garrou, Brunstetter; Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Bingham, Blake, Bland, Boseman, Brock, Brown, Dannelly, Dorsett, East, Forrester, Goodall, Graham, Hartsell, Holloman, Hunt, Jacumin, Jenkins, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Snow, Soles, Stevens, Swindell, Tillman and Weinstein:

S.J.R. 2064, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HAMILTON COWLES HORTON, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

The joint resolution is placed on the Calendar for Wednesday, July 12.

CALENDAR *(continued)*

S.B. 1892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CAPITAL FACILITIES COSTS OF A PURCHASE OF LAND BY THE WILDLIFE RESOURCES COMMISSION AND TO FINANCE THE CAPITAL

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FACILITY COSTS OF STALL BARNs AT THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER AND TO ALLOW REGIONAL COUNCILS OF GOVERNMENT TO FINANCE REAL PROPERTY IMPROVEMENTS, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garrou, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

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** on August 24, 2005.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and re-refers the bill to the **Commerce Committee**.

CALENDAR *(continued)*

S.B. 192 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN REVIEW PROCEDURES FOR UNIVERSITY OF NORTH CAROLINA CONSTRUCTION CONTRACTS AND CAPITAL IMPROVEMENT PROJECTS.

Senator Jacumin offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading (46-3).

Senator Kinnaird objects to third reading of the bill. Pursuant to Rule 50, the President orders the bill placed on the Calendar for tomorrow, Tuesday, July 11, upon third reading.

S.B. 1365, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOTTERY OVERSIGHT COMMITTEE.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

July 10, 2006

WITHDRAWAL FROM COMMITTEE

H.B. 1825, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEPARTMENT OF TRANSPORTATION SECONDARY ROAD CONSTRUCTION FORMULA, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, referred to the **Appropriations/Base Budget Committee** on June 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Tuesday, July 11, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Tuesday, July 11.

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, re-referred to the **Education/Higher Education Committee** on July 6, 2005.

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 bill to the **Rules and Operations of the Senate Committee**.

CALENDAR (*continued*)

S.B. 1584 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO COVER INCREASED PROGRAM OPERATING COSTS AND THE COSTS OF ANY LEGISLATIVE SALARY INCREASE FOR PERSONNEL WHO ADMINISTER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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. 448 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT COMMUNITY COLLEGES FROM THE LAW GOVERNING SMOKING RESTRICTIONS.

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. 1323 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION.

July 10, 2006

The Senate Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM COMMITTEE

H.B. 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, re-referred to the **Appropriations/Base Budget Committee** on August 12, 2005.

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, July 12, 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, July 12.

CALENDAR *(continued)*

H.B. 1399 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MOTOR VEHICLE LAWS CONCERNING WEIGHING OF WOOD RESIDUALS AND EXEMPTION FROM REGISTRATION FOR CERTAIN AGRICULTURAL VEHICLES, AND TO AUTHORIZE AGREEMENTS BETWEEN THE DEPARTMENT OF TRANSPORTATION AND LOCAL GOVERNMENTS TO EXPEDITE TRANSPORTATION PROJECTS.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 1846 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LOWER THE THRESHOLD FROM ONE HUNDRED DOLLARS TO FIFTY DOLLARS FOR ACCEPTING A POLITICAL CONTRIBUTION IN CASH; TO PROHIBIT THE USE OF BLANK PAYEE CHECKS IN CAMPAIGN CONTRIBUTIONS; TO REQUIRE THE REPORTING OF THE IDENTITY OF A CONTRIBUTOR WHO MAKES A CONTRIBUTION OF MORE THAN FIFTY DOLLARS; TO SPECIFY THE TIME PERIOD BY WHICH THE THRESHOLD FOR IDENTIFYING AN INDIVIDUAL CONTRIBUTOR'S IDENTITY IS MEASURED; TO ADD A PENALTY FOR ACCEPTING CONTRIBUTIONS FROM CERTAIN NONLEGAL SOURCES; TO BAR PROSECUTION IF BEST EFFORTS ARE MADE TO ENSURE THAT A CONTRIBUTION IS FROM A LEGAL SOURCE; AND TO STRENGTHEN POLITICAL COMMITTEE TREASURER TRAINING.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 11.

July 10, 2006

H.B. 1987 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTORY BASIC AND STANDARD HEALTH PLANS FOR SMALL EMPLOYERS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HEALTH CARE.

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.

WITHDRAWAL FROM COMMITTEE

S.B. 1211 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE BLAIRE THOMPSON FUND IN ORDER TO PROVIDE COMPENSATION FOR DAMAGES RESULTING FROM THE ILLEGAL DISTRIBUTION OF CONTROLLED SUBSTANCES, re-referred to the **Appropriations/Base Budget Committee** on July 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the bill to the **Finance Committee**.

CALENDAR *(continued)*

H.B. 2883 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT MILITARY SERVICEMEMBERS AND VETERANS FROM IDENTITY THEFT.

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. 2174, A BILL TO BE ENTITLED AN ACT TO RAISE THE MINIMUM WAGE IN NORTH CAROLINA.

The bill passes its third reading (37-12) and is ordered enrolled and sent to the Governor by special message.

The Chair grants a leave of absence for the remainder of tonight's session to Senator Jenkins.

S.B. 774 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS, for concurrence.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (30-17) and the bill is ordered enrolled and sent to the Governor by special message.

July 10, 2006

S.B. 1216 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ALLOW LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, AND (2) ALLOW ENTITIES DESIGNATED BY THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO SHARE INFORMATION WITH A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT IS RELEVANT TO AN ASSESSMENT OF REPORTS OF CHILD ABUSE, NEGLECT, AND DEPENDENCY BY A LOCAL DEPARTMENT OF SOCIAL SERVICES, for concurrence.

Upon motion of Senator Boseman, the Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Boseman 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

H.B. 771 (Senate 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 AND TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE BOARDS OF TRUSTEES OF COMMUNITY COLLEGES.

Pursuant to the message from the House of Representatives received on June 30 that the House fails to concur in the Senate Committee Substitute bill for H.B. 771 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Swindell, Chair; Senator Dannelly; 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.

Upon motion of Senator Basnight, seconded by Senator Snow, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Tuesday, July 11, at 2:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

July 10, 2006

House of Representatives
July 10, 2006

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. 657** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURANCE BROKERS TO DISCLOSE COMPENSATION ARRANGEMENTS TO CUSTOMERS.

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 10, 2006

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has reconsidered the vote adopting the Conference Committee Substitute for **S.B. 686**, 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: (1) STORED BEHIND THE COUNTER OR IN A LOCKED CABINET AND SOLD AT A SINGLE REGISTER, OR (2) STORED AND SOLD BEHIND A PHARMACY COUNTER; TO PROVIDE THAT RETAILERS MUST IMPLEMENT SECURITY MEASURES IN AREAS OF AN ESTABLISHMENT WHERE PSEUDOEPHEDRINE PRODUCTS ARE OFFERED FOR SALE; 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 CREATE THE LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE; TO

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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, and the Conference Report has been returned to the Conference Committee. You are further advised that Speaker Black has appointed Representative Glazier, Chair of the Conference Committee.

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. 1373 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; TO AUTHORIZE THE DIVISION TO ISSUE AN INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS SPECIAL PLATE TO A SURVIVING SPOUSE; AND TO REPEAL THE SUNSET ON THE HARLEY OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, July 11, for concurrence.

July 10, 2006

S.B. 1928 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CLAYTON AND THE CITY OF REIDSVILLE TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Tuesday, July 11, for concurrence.

H.B. 749 (Committee Substitute No. 2), 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 **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 9:06 P.M.

ONE HUNDRED SIXTY-FIFTH DAY

Senate Chamber
Tuesday, July 11, 2006

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, knowing all the answers is thought by some to be a definition of faith. I'm afraid that these people are just wrong. No one has all the answers. If one knows the answer, that person does not have faith. That person has knowledge. Authentic faith has little to do with having answers. It has a great deal to do with seeking them. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, July 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends the privileges of the floor to Karen Austin from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

July 11, 2006

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1848 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF BLANK CHECKS AS CAMPAIGN CONTRIBUTIONS AND TO DELINEATE WHAT IS LAWFUL AND UNLAWFUL PARTICIPATION BY AN INTERMEDIARY IN POLITICAL FUND-RAISING, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL 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 10644, which changes the title upon concurrence to read **H.B. 1848** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COLLECTION OF OFFENDER FINES AND FEES ASSESSED BY THE GENERAL COURT OF JUSTICE BY CREDIT CARD, CHARGE CARD, OR DEBIT CARD; TO AUTHORIZE THE USE OF ELECTRONIC FILING IN THE TRIAL COURTS; TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE THE JUDICIAL DEPARTMENT WITH CRIMINAL BACKGROUND CHECKS FROM THE STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORIES; TO ESTABLISH A PERMANENCY MEDIATION PROGRAM; TO AMEND THE LAW PROVIDING FOR FOREIGN LANGUAGE INTERPRETERS IN THE COURTS; TO AUTHORIZE THE ESTABLISHMENT OF CERTAIN POSITIONS WITHIN THE JUDICIAL DEPARTMENT; TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE SIX ADDITIONAL MEMBERS OF THE COMMISSION; AND TO MAKE TECHNICAL CORRECTIONS AND ADJUSTMENTS TO PROVISIONS AFFECTING THE COURTS, is adopted and engrossed.

By Senator Shaw for the **Transportation Committee**:

H.B. 2868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO LEASE CERTAIN PROPERTY ON THE MAINLAND SIDE OF THE HOLDEN BEACH BRIDGE, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 1295, A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR CONSUMERS WHO RECEIVE UNSOLICITED FACSIMILES, with a favorable report.

H.B. 2880 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT A PERSON WHO IS GUILTY OF PASSING A STOPPED SCHOOL BUS FROM RECEIVING A PRAYER FOR JUDGMENT CONTINUED, with a favorable report.

July 11, 2006

S.B. 1833, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR MEMORIAL 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 65624, which changes the title to read **S.B. 1833** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR MEMORIAL SERVICE OR ANY OTHER FUNERAL OR MEMORIAL SERVICE, is adopted and engrossed.

H.B. 2060, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10640, which changes the title upon concurrence to read **H.B. 2060** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO MAKE OTHER CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1248 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE IDENTITY THEFT PROTECTION ACT OF 2005.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

H.B. 1896 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) TO IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) TO EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; AND (4) TO AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

July 11, 2006

WITHDRAWAL FROM COMMITTEE

H.B. 1522, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE PORTS AUTHORITY ENABLING LEGISLATION, referred to the **Commerce Committee** on June 6, 2005.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the **Commerce Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Commerce Committee** and re-refers the bill to the **Finance Committee**.

The Senate recesses at 2:35 P.M. for the purpose of a Commerce Committee meeting, a Finance Committee meeting and a Pensions & Retirement and Aging Committee meeting, to reconvene at 2:55 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

H.B. 350 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MARTIN COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—45.

Voting in the negative: Senators Brock, Forrester, Pittenger, Presnell and Webster—5.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 774, AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS.

July 11, 2006

S.B. 1809, 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 AND TO MAKE REVISIONS TO PREVIOUSLY AUTHORIZED INDEBTEDNESS FOR VARIOUS CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

H.B. 1301, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO REQUIRE LICENSEES TO DEMONSTRATE CONTINUING COMPETENCE IN THE PRACTICE OF PHYSICAL THERAPY, AND STRENGTHENING THE AUTHORITY OF THE NORTH CAROLINA MEDICAL BOARD TO DISCIPLINE PHYSICIANS AND CERTAIN OTHERS, AND DESIGNATING INFORMATION RELEASED TO PATIENT SAFETY ORGANIZATIONS AS CONFIDENTIAL, AND ALLOWING CERTAIN GROUPS TO PRACTICE AS PROFESSIONAL CORPORATIONS.

H.B. 1388, AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO ISSUE PERMITS TO ALIEN DEBT COLLECTORS.

H.B. 1399, AN ACT TO MAKE CHANGES TO THE MOTOR VEHICLE LAWS CONCERNING WEIGHING OF WOOD RESIDUALS AND EXEMPTION FROM REGISTRATION FOR CERTAIN AGRICULTURAL VEHICLES, AND TO AUTHORIZE AGREEMENTS BETWEEN THE DEPARTMENT OF TRANSPORTATION AND LOCAL GOVERNMENTS TO EXPEDITE TRANSPORTATION PROJECTS.

H.B. 2127, AN ACT TO AUTHORIZE THE ADDITION OF MOUNTAIN BOG STATE NATURAL AREA AND SANDY RUN SAVANNAS STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE PARK AT CABIN LAKE.

H.B. 2174, AN ACT TO RAISE THE MINIMUM WAGE IN NORTH CAROLINA.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1433, AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO MOVE ITS ALCOHOLIC BEVERAGE CONTROL STORE TO A NEW LOCATION WITHIN THE CORPORATE LIMITS OF THE TOWN AND TO MOVE WITHIN SEVEN MILES OF ANOTHER ABC STORE IN BRUNSWICK COUNTY.

July 11, 2006

H.B. 2477, AN ACT AMENDING THE DURHAM COUNTY ROOM OCCUPANCY TAX PROVISIONS.

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. 1834, AN ACT TO CHANGE THE BONDING REQUIREMENTS FOR UP TO TWO DEPARTMENT OF TRANSPORTATION PERFORMANCE-BASED CONTRACTS FOR ROUTINE MAINTENANCE AND OPERATIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-67.)

H.B. 1835, AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE STANDARD DEPARTMENT OF TRANSPORTATION CONTRACT PROVISIONS ON DIFFERING SITE CONDITIONS, SUSPENSIONS OF WORK, AND CHANGES IN CHARACTER OF WORK, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-68.)

H.B. 1908, AN ACT TO REWRITE THE LAWS GOVERNING THE EDUCATION OF CHILDREN WITH SPECIAL NEEDS. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-69.)

S.B. 1485, AN ACT TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO ANNUALLY REPORT CERTAIN INFORMATION TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-70.)

S.B. 1121, AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-71.)

S.B. 1372, AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY COLLECT PROPERTY TAXES FOR CERTAIN NEWLY ANNEXED PROPERTY OVER A THREE-YEAR PERIOD AND DELAY THE ACCRUAL OF INTEREST ACCORDINGLY. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-72.)

S.B. 1591, AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-73.)

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S.B. 1738, AN ACT TO PROVIDE FOR TRIAL REHABILITATION PERIODS FOR PERSONS WHO HAVE BEEN RECEIVING LONG-TERM DISABILITY BENEFITS UNDER THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO ALLOW THOSE PERSONS TO ATTEMPT A RETURN TO WORK WITHOUT BEING PENALIZED, AND TO EXTEND THE EFFECTIVE DATE OF CHANGES TO THE DISABILITY PLAN. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-74.)

H.B. 836, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PROGRAMS FOR USE IN SCHOOLS ON THE MEANING AND IMPORTANCE OF MEMORIAL DAY. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-75.)

H.B. 1133, AN ACT TO DESIGNATE ALL AREAS OF ANY BUILDING OCCUPIED BY THE GENERAL ASSEMBLY AS NONSMOKING AREAS. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-76.)

H.B. 1974, AN ACT TO AUTHORIZE THE REEMPLOYMENT OF CERTAIN RETIRED COMMUNITY COLLEGE EMPLOYEES WHO WERE PROVIDED INCORRECT INFORMATION ABOUT THE WAITING PERIOD FOR REEMPLOYMENT. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-77.)

H.B. 2129, AN ACT TO ESTABLISH THE COMMUNITY CONSERVATION ASSISTANCE PROGRAM IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-78.)

H.B. 2165, AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES, AND TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-79.)

H.B. 2200, AN ACT TO ENHANCE THE EMBARGO AUTHORITY OF THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH DIRECTORS AND TO DIRECT THE DEVELOPMENT OF A STATE PLAN TO PROTECT THE FOOD SUPPLY FROM INTENTIONAL CONTAMINATION. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-80.)

H.B. 2195, AN ACT TO PROVIDE LIABILITY PROTECTION FOR HEALTH CARE WORKERS WHEN RESPONDING TO IN-STATE INCIDENTS OUTSIDE THEIR HOSPITAL OR NORMAL JURISDICTION AS MEMBERS OF A STATE MEDICAL ASSISTANCE TEAM. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-81.)

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H.B. 688, AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-82.)

S.B. 1200, AN ACT TO AMEND THE CHARTER OF THE TOWN OF SPINDALE TO ALLOW THE TOWN TO FOLLOW THE GENERAL LAW ON SCHEDULING TOWN BOARD MEETINGS. (Became law upon ratification, July 10, 2006 - S.L. 2006-83.)

S.B. 1734, AN ACT TO DEANNEX CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF HARRISBURG. (Became law upon ratification, July 10, 2006 - S.L. 2006-84.)

S.B. 1877, AN ACT TO PROVIDE MEMBERSHIP GUIDELINES FOR THE MACON-JACKSON REGIONAL AIRPORT AUTHORITY AND TO PROVIDE FOR THE FILLING OF VACANCIES IN THE AIRPORT AUTHORITY. (Became law upon ratification, July 10, 2006 - S.L. 2006-85.)

S.B. 1903, AN ACT TO AUTHORIZE THE HERTFORD COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENT EMPLOYEES. (Became law upon ratification, July 10, 2006 - S.L. 2006-86.)

S.B. 1933, AN ACT TO ADAPT THE INSTALLATION DATE OF NEWLY ELECTED MEMBERS OF THE NASH-ROCKY MOUNT BOARD OF EDUCATION TO THE RECENTLY ENACTED LATER DATE FOR THE ELECTION CANVASS, AND PROVIDING FOR ELECTIONS OF THE BOARD OF TRUSTEES FOR ROANOKE RAPIDS GRADED SCHOOL DISTRICT. (Became law upon ratification, July 10, 2006 - S.L. 2006-87.)

H.B. 2015, AN ACT TO PROVIDE STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF BATH. (Became law upon ratification, July 10, 2006 - S.L. 2006-88.)

H.B. 2135, AN ACT TO EXEMPT THE SALE OF REAL PROPERTY WHICH WAS OWNED BY THE HIGH POINT ALCOHOLIC BEVERAGE CONTROL BOARD FROM THE REQUIREMENTS OF ARTICLE 12 OF CHAPTER 160A FOR SALES THAT OCCURRED IN 2002 AND 2005. (Became law upon ratification, July 10, 2006 - S.L. 2006-89.)

H.B. 2136, AN ACT TO INCREASE THE NUMBER OF THE CITY OF HIGH POINT ABC BOARD MEMBERS FROM THREE TO FIVE AND TO ESTABLISH TERMS OF OFFICE FOR THE NEWLY APPOINTED MEMBERS. (Became law upon ratification, July 10, 2006 - S.L. 2006-90.)

H.B. 2148, AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO REGULATE AND CONTROL ELECTROFISHING OF CATFISH ON THE CAPE FEAR RIVER IN BLADEN COUNTY. (Became law upon ratification, July 10, 2006 - S.L. 2006-91.)

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H.B. 2406, AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE RUTHERFORD COUNTY BOARD OF EDUCATION. (Became law upon ratification, July 10, 2006 - S.L. 2006-92.)

H.B. 2421, AN ACT TO AUTHORIZE THE PIEDMONT TRIAD WATER AUTHORITY TO EMPLOY LAKE WARDENS WITH THE AUTHORITY OF PEACE OFFICERS. (Became law upon ratification, July 10, 2006 - S.L. 2006-93.)

H.B. 2526, AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS. (Became law upon ratification, July 10, 2006 - S.L. 2006-94.)

CALENDAR (*continued*)

H.B. 845 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD GASTON, SURRY, AND WILKES COUNTIES, AND THE TOWNS OF OCEAN ISLE BEACH AND SURF CITY, TO THE AREAS IN WHICH LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND TO ALLOW THE CITY OF WHITEVILLE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.

The 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. 2041 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO USE CIVILIAN TRAFFIC INVESTIGATORS TO INVESTIGATE PROPERTY DAMAGE CRASHES.

The Committee Substitute bill No. 2 passes its second (50-0) and third readings and is ordered enrolled.

H.B. 2570, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

The bill passes its second (50-0) and third readings and is ordered enrolled.

H.B. 2724 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO PERMIT THE TOWN COUNCIL TO ACCEPT PAYMENTS IN LIEU OF TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS FOR NEW DEVELOPMENT.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled.

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S.B. 294 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CAJAH MOUNTAIN TO CHANGE THE NAME OF THE BOARD OF ALDERMEN TO TOWN COUNCIL AND THE TITLE OF THE CHAIRMAN TO MAYOR, for concurrence.

Upon motion of Senator East, the Senate concurs in the House Committee Substitute bill No. 2 (50-0) and the bill is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

H.B. 2223 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM, with a favorable report.

H.B. 853 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE FOR PERIODS OF SERVICE UNDER THE OPTIONAL RETIREMENT PROGRAM FOR STATE INSTITUTIONS OF HIGHER 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 80677, which changes the title upon concurrence to read **H.B. 853** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE FOR PERIODS OF SERVICE UNDER THE OPTIONAL RETIREMENT PROGRAM FOR STATE INSTITUTIONS OF HIGHER EDUCATION AND TO INCLUDE THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS WITHIN THE OPTIONAL RETIREMENT PROGRAM FOR THE UNIVERSITY OF NORTH CAROLINA, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

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, 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 10645, which changes the title upon concurrence to read **H.B. 1231** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS FROM EXTREME PRICING PRACTICES, is adopted and engrossed.

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By Senator Hoyle for the **Finance Committee**:

H.B. 1522, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE PORTS AUTHORITY ENABLING LEGISLATION, 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 30629, which changes the title upon concurrence to read **H.B. 1522** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE TAX CREDIT FOR PRODUCTION COMPANIES TO THE STANDARD TAX TREATMENT WITH RESPECT TO THE DEDUCTION OF BUSINESS EXPENSES, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 350 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE MUNICIPALITIES OF AHOSKIE, CRAMERTON, FARMVILLE, AND LAGRANGE; TO PROVIDE THAT HIGH POINT CITY ELECTIONS SHALL BE HELD IN THE EVEN-NUMBERED YEARS AND DECIDED ON A PLURALITY BASIS; TO AMEND THE CHARTER OF THE TOWN OF MCFARLAN TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS; TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS; TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE; TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER; PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261; AND TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, for concurrence.

Upon motion of Senator Garwood, the Senate fails to concur in the House Committee Substitute bill (0-50).

Senator Garwood 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. 1199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES OF VARIOUS CITIES AND TOWNS TO USE ALL-TERRAIN VEHICLES ON THE PUBLIC STREETS AND HIGHWAYS IN THOSE CITIES AND

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TOWNS, AND AFFECTING ABANDONED AND JUNKED VEHICLES IN CERTAIN CITIES AND TOWNS, for concurrence.

Upon motion of Senator Garwood, the Senate fails to concur in the House Committee Substitute bill (0-50).

Senator Garwood 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. 1928 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CLAYTON AND THE CITY OF REIDSVILLE TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT, for concurrence.

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 tomorrow, Wednesday, July 12, for concurrence.

H.B. 1825, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEPARTMENT OF TRANSPORTATION SECONDARY ROAD CONSTRUCTION FORMULA, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Senator Jenkins offers Amendment No. 1.

Upon motion of Senator Rand, the President orders, without objection, the bill temporarily displaced with Amendment No. 1 pending.

H.B. 1845 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE USE OF CONTRIBUTIONS TO CANDIDATES AND CANDIDATES' CAMPAIGN FUNDS TO THOSE RELATED TO CAMPAIGNS AND OFFICE-HOLDING DUTIES; TO PROHIBIT PERSONAL USE OF CONTRIBUTIONS BY CANDIDATES AND CANDIDATE CAMPAIGN COMMITTEES; AND TO STRENGTHEN REPORTING REQUIREMENTS TO PREVENT VIOLATIONS.

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. 1846 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LOWER THE THRESHOLD FROM ONE HUNDRED DOLLARS TO FIFTY DOLLARS FOR ACCEPTING A POLITICAL CONTRIBUTION IN CASH; TO PROHIBIT THE USE OF BLANK PAYEE CHECKS IN CAMPAIGN CONTRIBUTIONS; TO REQUIRE THE REPORTING OF THE IDENTITY OF A CONTRIBUTOR WHO MAKES A CONTRIBUTION OF MORE THAN FIFTY DOLLARS; TO SPECIFY THE TIME PERIOD BY WHICH THE THRESHOLD FOR IDENTIFYING AN INDIVIDUAL CONTRIBUTOR'S IDENTITY IS MEASURED; TO ADD A PENALTY FOR ACCEPTING CONTRIBUTIONS FROM CERTAIN NONLEGAL SOURCES; TO BAR PROSECUTION IF BEST EFFORTS ARE MADE TO ENSURE

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THAT A CONTRIBUTION IS FROM A LEGAL SOURCE; AND TO STRENGTHEN POLITICAL COMMITTEE TREASURER TRAINING.

Senator Clodfelter offers Amendment No. 1 which is adopted (50-0).

The Senate Committee Substitute bill, as amended, passes its second reading (46-4).

Senator Webster objects to third reading of the bill. Pursuant to Rule 50, the President orders the bill placed on the Calendar for tomorrow, Wednesday, July 12, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

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, 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 50770, which changes the title upon concurrence to read **H.B. 1024** (Senate 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; TO SET THE DATE OF FUTURE SECOND PRIMARIES AT SEVEN WEEKS AFTER THE FIRST PRIMARY; TO REVISE THE MUNICIPAL ELECTION SCHEDULE TO PROVIDE MORE TIME FOR ABSENTEE VOTING AND ELECTION ADMINISTRATION; TO CONFORM NORTH CAROLINA ABSENTEE VOTING LAW TO THE U.S. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT; TO ALLOW THE BOARDS OF ELECTIONS TO KEEP CONFIDENTIAL THE IDENTITY OF VOTING UNITS USED IN HAND SAMPLE COUNTS UNTIL THE COUNTY CANVASS; TO PROVIDE FOR FILLING MID-ELECTION-YEAR JUDICIAL VACANCIES; AND TO FURTHER AMEND THE LAW CONCERNING JUDICIAL CANDIDACIES, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 1375, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE NOTARY PUBLIC 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 75561, which changes the title to read **S.B. 1375** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE

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NOTARY PUBLIC ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER CORRECTIONS TO SESSION LAW 2006-59, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

S.B. 1242, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO ESTABLISH GEAR SPECIFIC PERMITS TO TAKE STRIPED BASS FROM THE ATLANTIC OCEAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with a favorable report.

H.B. 2339, A BILL TO BE ENTITLED AN ACT TO ALLOW LINCOLN COUNTY TO REQUIRE THAT ALL TAXES BE PAID ON REAL PROPERTY BEFORE THE REGISTER MAY RECORD A DEED TRANSFERRING THAT PROPERTY AND BEFORE A BUILDING PERMIT MAY BE ISSUED WITH RESPECT TO THAT PROPERTY, with a favorable report.

H.B. 2744 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT FOR CERTAIN TAXPAYERS, AND TO EXTEND CERTAIN SALES AND USE TAX REFUNDS, with a favorable report.

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 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 10646, which changes the title upon concurrence to read **H.B. 1025** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOL BEVERAGE CONTROL LAWS, is adopted and engrossed.

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 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 60858, is adopted and engrossed.

The Chair grants a leave of absence for the remainder of today's session to Senator Holloman.

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WITHDRAWAL FROM COMMITTEE

S.B. 700 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION, CHARTER SCHOOLS, THE NORTH CAROLINA SCHOOL OF THE ARTS, AND THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS 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, for concurrence, referred to the **Ways & Means Committee** on July 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Ways & Means 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 **Ways & Means Committee** and places it before the Senate for immediate consideration for concurrence in the House Committee Substitute bill.

Senator Boseman offers a motion that the Senate not concur in the House Committee Substitute bill. The vote on the motion to concur is a tie vote (24-24). (The Lieutenant Governor does not vote to break the tie.)

Upon motion of Senator Rand, the Senate recesses at 4:23 P.M. to reconvene at 4:43 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

RECONSIDERATION

S.B. 700 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION, CHARTER SCHOOLS, THE NORTH CAROLINA SCHOOL OF THE ARTS, AND THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS 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.

Having voted with the majority, Senator Rand offers a motion that the vote on concurrence in the House Committee Substitute bill be reconsidered which motion prevails (28-21). The question before the Body becomes the concurrence in the House Committee Substitute bill. Upon motion of Senator Boseman, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor by special message.

CALENDAR *(continued)*

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H.B. 2208 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT CERTAIN STATUTORY CRITERIA RELATED TO GRANTS FROM THE CLEAN WATER MANAGEMENT TRUST FUND FOR WASTEWATER AND STORMWATER COLLECTION AND TREATMENT PROJECTS HAVE PRIORITY OVER CRITERIA ESTABLISHED BY THE BOARD OF TRUSTEES OF THE CLEAN WATER MANAGEMENT TRUST FUND, TO CLARIFY THE AUTHORITY OF THE BOARD OF TRUSTEES WITH RESPECT TO MATCH REQUIREMENTS IN CONNECTION WITH GRANT AWARDS, AND TO ESTABLISH TERM LIMITS FOR THE BOARD OF TRUSTEES.

Senator Albertson 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.

WITHDRAWAL FROM COMMITTEE

S.B. 2051 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE ENERGY INDEPENDENCE IN NORTH CAROLINA THROUGH: (1) PROMOTION OF THE CONSERVATION OF ENERGY, WATER, AND OTHER UTILITIES IN PUBLIC FACILITIES; (2) PROMOTION OF THE USE OF ALTERNATIVE FUELS AND ADVANCED TECHNOLOGY VEHICLES IN STATE FLEETS; (3) PROVISION OF ENERGY ASSISTANCE TO LOW-INCOME PERSONS; (4) CREATION OF VARIOUS ENERGY-RELATED TAX INCENTIVES; (5) DEVELOPMENT OF A STRATEGIC PLAN FOR DEVELOPMENT OF A BIOFUELS INDUSTRY IN NORTH CAROLINA; AND (6) APPROPRIATION OF FUNDS, re-referred to the **Finance Committee** on June 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and re-refers the bill to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

S.B. 192 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN REVIEW PROCEDURES FOR UNIVERSITY OF NORTH CAROLINA CONSTRUCTION CONTRACTS AND CAPITAL IMPROVEMENT PROJECTS, as amended upon second reading.

The Committee Substitute bill, as amended, passes its third reading (36-12) and is ordered engrossed and sent to the House of Representatives by special message.

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S.B. 1373 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; TO AUTHORIZE THE DIVISION TO ISSUE AN INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS SPECIAL PLATE TO A SURVIVING SPOUSE; AND TO REPEAL THE SUNSET ON THE HARLEY OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES, for concurrence.

Upon motion of Senator Rand, the Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1825, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE ALL FUNDS AVAILABLE FOR SECONDARY ROAD PAVING IN EACH DIVISION BY PROVIDING FOR THE PAVING OF THOSE PORTIONS OF SECONDARY ROADS WHICH ARE CURRENTLY WITHIN THE RIGHT-OF-WAY MAINTAINED BY THE DEPARTMENT, temporarily displaced earlier today, with Amendment No. 1 pending.

Amendment No. 1 is adopted (40-8), and changes the title upon concurrence to read **H.B. 1825**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE ALL FUNDS AVAILABLE FOR SECONDARY ROAD PAVING IN EACH DIVISION BY PROVIDING FOR THE PAVING OF THOSE PORTIONS OF SECONDARY ROADS WHICH ARE CURRENTLY WITHIN THE RIGHT-OF-WAY MAINTAINED BY THE DEPARTMENT.

The bill, as amended, passes its second (45-3) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1564, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING SOLID WASTE FRANCHISE AGREEMENTS IN ORDER TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE AWARDED AND RENEWED ONLY AFTER ADEQUATE PUBLIC NOTICE OF THE LOCATION OF A PROPOSED SITE AND AFTER PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED TO, AWARD SOLID WASTE FRANCHISES; AND, TO ENSURE THAT SOLID WASTE FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35451, which changes the title to read **S.B. 1564** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING SANITARY LANDFILL FRANCHISE ORDINANCES AND AGREEMENTS TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED TO, AWARD SANITARY LANDFILL FRANCHISES; TO PROVIDE FOR THE AWARD OF PRELIMINARY FRANCHISES AS WELL AS FRANCHISES AND TO SPECIFY THE INFORMATION TO BE INCLUDED THEREIN; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE AWARDED ONLY AFTER ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO PROVIDE THAT FRANCHISES ARE AWARDED ONLY AFTER PUBLIC NOTICE OF THE LOCATION OF THE PROPOSED SANITARY LANDFILL; AND TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is adopted and engrossed.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 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, submits for adoption the following report:

July 11, 2006

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 945, 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, Senate Finance Committee Substitute Favorable 8/9/05, submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute, Senate Finance Committee Substitute Adopted 8/9/05.

On page 12, line 31, by rewriting the line to read:

"**SECTION 9.2.** This part expires January 1, 2008.

PART X. REPEALS.

SECTION 10.1. If Senate Bill 1428, 2005 Regular Session becomes law, then PART IX of this act is repealed.

SECTION 10.2. If Senate Bill 1804, 2005 Regular Session becomes law, then PART II of this act is repealed and the part of Section 8.2 of this act that adds Boiling Springs to G.S. 160A-215 is repealed.

SECTION 10.3. If House Bill 2445, 2005 Regular Session becomes law, then PART IV of this act is repealed.

SECTION 10.4. If House Bill 770, 2005 Regular Session becomes law, then PART VII of this act is repealed and Section 8.1 of this act is repealed."

Further moves to amend the bill on page 12, line 33, by deleting "X" and substituting "XI", and on page 12, line 34, by deleting "**SECTION 10.**" and substituting "**SECTION 11.**".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 11, 2006.

Conferees for the Senate

Conferees for the House of Representatives

S/David Hoyle, Chair

S/Paul Luebke, Chair

S/John Kerr

S/Winkie Wilkins

S/Fletcher Hartsell

S/Leo Daughtry

The Conference Report is placed on the Calendar for tomorrow, Wednesday, July 12, for adoption.

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APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1373 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; TO AUTHORIZE THE DIVISION TO ISSUE AN INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS SPECIAL PLATE TO A SURVIVING SPOUSE; AND TO REPEAL THE SUNSET ON THE HARLEY OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1373 earlier today 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 Hoyle 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.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1216 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ALLOW LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, AND (2) ALLOW ENTITIES DESIGNATED BY THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO SHARE INFORMATION WITH A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT IS RELEVANT TO AN ASSESSMENT OF REPORTS OF CHILD ABUSE, NEGLECT, AND DEPENDENCY BY A LOCAL DEPARTMENT OF SOCIAL SERVICES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1216 on July 10 and the motion by Senator Boseman to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Boseman, Chair; Senator Bingham; Senator Purcell; and Senator Swindell as conferees on the part of the

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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 ADDITIONAL CONFEREE

H.B. 771 (Senate 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 AND TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE BOARDS OF TRUSTEES OF COMMUNITY COLLEGES.

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Albertson as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ADDITIONAL SPONSOR

Senator Garwood requests to be added as a sponsor of previously introduced legislation:

S.J.R. 2064, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HAMILTON COWLES HORTON, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Basnight, seconded by Senator Clodfelter, the Senate adjourns subject to receipt of committee reports, referral of bills and reading of messages from the House of Representatives, to meet tomorrow, Wednesday, July 12, at 2:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 11, 2006

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. 143**, A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRI-TOURISM ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS, and requests conferees.

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Speaker Black has appointed:

Representative Coates, Chair
Representative Hill
Representative Lucas, and
Representative Steen

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 11, 2006

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. 1048** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED, and requests conferees.

Speaker Black has appointed:

Representative Hackney, Chair
Representative Alexander
Representative Ross
Representative Stam
Representative Blust
Representative Stiller
Representative Harrison, and
Representative Glazier

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 MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 491 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE ASSETS OF THE BUTNER WATER AND SEWER SYSTEM TO THE SOUTH GRANVILLE WATER AND SEWER AUTHORITY, AND TO PROVIDE THAT BUTNER PUBLIC SAFETY SHALL BE CONSIDERED THE EQUIVALENT OF A MUNICIPAL POLICE DEPARTMENT FOR PURPOSES OF THE LAWS PROVIDING FOR COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES AND ASSISTANCE TO STATE LAW ENFORCEMENT AGENCIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 12, for concurrence.

H.B. 2873 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERMITTING AND INSPECTION OF NEW PRIVATE DRINKING WATER WELLS AND TO REQUIRE WATER QUALITY TESTING OF PRIVATE DRINKING WATER WELLS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.J.R. 1897, A JOINT RESOLUTION ACKNOWLEDGING THE IMPORTANCE OF THE MUSICAL GROUP KNOWN AS THE BRIARHOPPERS, WHICH PROVIDED FAMILY ENTERTAINMENT FROM THE STUDIOS OF CHARLOTTE'S WBT RADIO, AND HONORING THE MEMORY OF FORMER BRIARHOPPER MEMBERS AND THE GROUP'S FOUNDER.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 2076, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE JUVENILE CODE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

Referred to the **Judiciary I Committee**.

H.B. 2181, A BILL TO BE ENTITLED AN ACT TO INCLUDE IN THE SIX-YEAR CAPITAL IMPROVEMENT PLAN THE RECOMMENDED FUNDING SOURCES FOR THE PROJECTS PROPOSED.

Referred to the **Finance Committee**.

H.B. 2894, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE NORTH CAROLINA CONSUMER FINANCE ACT TO VARIOUS LENDING SUBTERFUGES.

Referred to the **Judiciary II Committee**.

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REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1248 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE IDENTITY THEFT PROTECTION 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 70800, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:06 P.M.

ONE HUNDRED SIXTY-SIXTH DAY

Senate Chamber
Wednesday, July 12, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Today's prayer was written and prayed by the late Senator Hamilton Horton sometime during his distinguished career in the Legislature. We are grateful to Mrs. Horton for making this prayer available for us today.

"Oh divine ruler, who in thy wisdom has ordained that people should live together and who has created governments for their protection and nurture, look kindly on those gathered here, who have devoted themselves to that high calling of improving our communities, our State and our Nation through the encouragement of those who would seek to rule thy people in thy name. Grant that their deliberations and their acts may be motivated by purity of purpose and single-minded devotion to the honorable governance of thy people. Bless their meetings here and their enjoyment on this occasion. Make us truly thankful for the blessing of liberty in this land. In thy holy name we pray, Amen.

Prayer written by the late Senator Ham Horton - date unknown.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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.

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The Chair extends the privileges of the floor to Dr. Warren Pendergast from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Jan DiSantostefano from Apex, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

H.B. 2576, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF ASSIGNMENTS TO THE SPECIAL ASSISTANCE IN-HOME PROGRAM OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1594, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

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, 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 80679, which changes the title upon concurrence to read **H.B. 1093** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW LANDFILLS IN THE STATE AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO SOLID WASTE DISPOSAL IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT, is adopted and engrossed.

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

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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 Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60859, which changes the title upon concurrence to read **H.B. 1523** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE PENALTIES THAT MAY BE ASSESSED FOR VIOLATION OF THE COASTAL AREA MANAGEMENT ACT, is adopted and engrossed.

S.B. 1566, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS AND TO PROTECT WATER QUALITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75562, is adopted and engrossed.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.J.R. 2064, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HAMILTON COWLES HORTON, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is taken up out of its regular order of business.

Upon motion of Senator Rand, the joint resolution is read in its entirety.

Senator Berger of Rockingham offers Amendment No. 1 which is adopted (50-0).

Upon motion of Senator Stevens, the remarks of the members are spread upon the Journal, as follows:

Senator Berger of Rockingham:

“Thank you, Madame President. I don’t know what you say about someone like Ham Horton. A number of things pop into your mind when you think of him. Each one of us will have our own personal memories. For me, the personal memories that I have start with, at least in my term as a legislator, the first term that I served in the legislature and how Ham was very helpful to me, personally. If I had a question, he would give me advice. Sometimes it was something that I really didn’t want to hear but he would give me advice because he always was straight with you, at least that is the way I always found him. The other thing that was interesting about Senator Horton as far as his service in the Senate, I came up to him one day and we were talking about an amendment to a bill and he came up with an idea for something and

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I said I would call the drafting folks and get them to prepare it. He said, 'No, no, no.' He wrote out his own amendments and I'm assuming, because of what I saw, he generally did that on the amendments and he did it to a great extent on the bills that he introduced. Something of a throw-back, I would say, and I think most of us would describe Senator Horton as maybe from another time to the extent that he did those kinds of things. His speech, everybody likes to remember the way he talked, the things that he said, how he could silence the entire Senate Chamber just by standing up and saying the words that we all say when we stand up, 'Madame President', and everybody would listen to what he said. Ham was the picture of a southern gentleman. He was the picture of a southern legislator. He was the picture of a good husband, a good father, a good friend, and a valued colleague. He had a seriousness of purpose. He believed deeply in certain things, but he also understood that other people might see things differently than the way he did. He was fond of quoting Shakespeare, the quote being, 'Strive mightily, but eat and drink as friends.' I think we all saw that part of Ham, as well. But lest you think that this conservative, republican lawyer was stodgy or staid or dull or unadventurous, I want to relate in a little more detail two things that were referred to in the resolution. You know we have all heard the story about the Native Americans on the seal and everybody has had a real good time with that, but the interesting thing is, Ham carried on a correspondence with Dr. Cheesman in England for a fairly lengthy period of time and they would get into all kinds of detail that didn't make a whole lot of sense to me, but they surely did have a good time with it. But the committee that was dealing with the seal made the decision that we didn't want bare breasts on the seal and this is how Senator Horton described that to Dr. Cheesman in his letter. 'The committee evinced a remarkable prudishness regarding the exposed breasts of the female supporter. My pleas for historical accuracy fell on deaf ears.' That's one thing. The second thing that I would like to relate to you, in the resolution there is this reference to fireworks and protecting adolescents in terms of their enjoyment of fireworks. The Winston-Salem paper describes the incident as 'Horton's speech in 1995 single handedly managed to kill a bill on the Senate floor that would have forbidden the sale of fireworks to anyone under eighteen. Horton set off a stream of confetti from a party popper on the Senate floor and quoted writer H. L. Mencken, as saying, "We harbor the lurking suspicion that somewhere, somehow, some young person might be having a good time." ' Again, classic Ham Horton. I would commend the resolution to you and I thank Evelyn and Rosalie for allowing Ham to spend his time with us and I did have one other thing, Madame President, with your permission.' (Senator Berger set off a stream of confetti from a party popper, just as Senator Horton had done in 1995!)

Senator Garrou:

"Well folks you can imagine what it was like to come down here as a freshman Senator and have Senator Horton as your senior Senator. Little did I know that I would soon be the victim of some his oleaginous statements and other kind of things. Despite all of those statements, we had a great working relationship. I had known Evelyn and Rosalie since she was a tiny girl and Evelyn and I had worked on community affairs together and were good friends and I certainly think that all of you know what a wonderful person he was. But I will tell you that we had some

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conversations that might surprise some of you. I remember that last summer we had a conversation about the mysteries of love and it was very evident of his devotion and love to you, Evelyn, and Rosalie you were the light of his life. He just worshiped you and loved you and he and I would discuss our daughters and talk about what in the world these young women have come to these days. But we had conversations about that. The very next day I came into the Chamber and he walked up to me and he said, 'Linda, why is it that women always have to have a project?' Evelyn, I don't know what you wanted to do that day, but he was concerned about some kind of project that you had in mind to do on your house or looking at something. And I said, 'Well, you know that is just part of our nature, we are always interested in improving our nest and working on things.' It was with great spirit, love and affection that all of us felt for Ham Horton and we appreciate his service to our State and to our community. Thank you."

Senator Brunstetter:

"Madame President, I think that I have probably had one of the most unique vantage points over the last six months to view Ham Horton's legacy. Virtually every person that I have come in contact with during my campaign for the Senate and now during my short tenure in the Senate, has come up to me and told me how important Ham Horton was to them and how highly they thought of him. I tell you if I had a nickel for every time I've heard the statement that you have big shoes to fill, I would be wealthy and could retire. My recollection of Ham Horton and the importance he has had on my public life really dates back to his lecturing at the North Carolina Institute of Political Leadership. I have relayed this story to Evelyn and Rosalie in the past. As you know, that is a bi-partisan organization that has gotten together to try to get people interested in public service and is funded by many wonderful organizations in our State. Ham would come to that organization to speak to the fellows each time and talk to them. I think that there was a section on why it's important to be a Democrat or why I am a Democrat and why I am a Republican. Ham was generally brought down for the why I am a Republican portion of the event. At the end, after he talked about the importance of the ideals and why we should hold true to them, he would get up and look at everybody and say, 'But you know at the end of the day it's not about being a Republican, it's not about being a Democrat, it's about be statesmen, it's about putting the interest of the public ahead of your own and it's about a higher calling and higher ideals.' Now, I never ever forgot that and, hopefully, have made that a hallmark in the work that I have done in Forsyth County over the years. I also heard some people express fears. I heard fears that Ham was the last of a dying generation of southern politicians, fellows you mentioned, and what I was told is that what Ham Horton had the ability to do - to disagree with you agreeably. He could have discourse and debate in the most heated of situations, but at the end of the day you walked away friends, you walked away knowing that you had done something constructive. I will tell you that one of the great thrills that I had in the short time I've had in the Senate is that I don't think that Ham is the last in a dying breed. I've seen that spirit alive and well here in the Senate and I do think that this Senate is populated by statesmen. So in that regard, he has had a great effect and Ham's legacy is alive and well. I do commend the resolution to you. Thank you."

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Senator Kinnaird:

“Thank you. I looked around the room when the name, Ham Horton, was mentioned in the resolution and I saw smiles, smiles on everybody’s face because he was so loved for all of the qualities that are in the resolution and for all the newest Senator spoke about. I just want to say, Senator Berger, you are lacking only one thing in your outfit today. You do not have a seersucker suit on, but you came close. He was definitely a person who was so beloved for all of those qualities. We were very often on opposite sides of almost every issue, but we always enjoyed the debate that we took part in about those issues and, in fact, we joined on several bills together. Of course, they went nowhere, but that’s alright. We also sat together on several committees and we would commiserate about the jargon that the staff and the knowledgeable experts spewed forth and, of course, we would always stick our hands up and say could you please tell us what those long string of capital letters mean because we had no idea what it was. We loved language and we talked together endlessly about the wonderful language that was everywhere in poetry and literature and in our own colleagues. We loved Senator Rand because he is not only eloquent, but has a wonderful wit and we joined in that in that real love. We also shared one more activity together and that is every Lent he gave up smoking and I gave up candy and sweets and this year was a sad year because I did not have my friend and companion to share in that activity, which may seem a little odd to most people, but for us it made a lot of sense. I also shared with him his love of Moravian music. I have a Masters in music and we used to play. In fact we had a whole concert one time of Moravian music, so I was delighted to discover that he played the tuba. It was a real love of those cultural things. He loved cultural affairs and all activities that reflected the best but, of course, there was the Museum of History and we all know that the Museum of History fell far short of what his goals were for the Museum of History. So every year we had the bill which was going to change the name of the Museum of History to, I believe it was the Museum of North Carolina Folk Art or Culture or something. I think he did have some influence over there. I think that we have seen a little more substantive history. That was one of the delights we looked forward to every year. He loved our historical heritage, he loved the environment, he loved its people, he loved his family, he loved this Senate and this legislature. He is so missed and I think of him so often and I miss him. I commend the resolution to you.”

Senator Hagan:

“Thank you, Madame President. We all miss Ham Horton. When I first came, Senator Horton and I worked together on a pawnbroker bill and we were assigned to a little subcommittee and the two of us would meet in the library and it was my first exposure to Senator Horton and it was one I’ll never forget. We worked on a number of bills but one in particular was the billboard bill. I think it was last session and when it came time to debate the bill on the floor, Senator Horton stood up and proceeded to quote an Ogden Nash poem. That poem goes like this:

‘I think that I shall never see a billboard lovely as a tree.

Perhaps unless the billboards fall, I’ll never see a tree at all.’

That is Ham Horton. Thank you.”

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Senator Pittenger:

“My first term in this great Senate was a difficult time for me and I think the second term has been nearly as difficult, but Ham was always there to be available. As some of you might remember, we worked hard on a little bill on medical malpractice and it generated a lot of letters. Ham had some reservations about this bill from the beginning and he probably saw a moment when I needed a little encouragement. He came up to me and said, ‘You know Robert, I have received a letter from every man, woman and child from Bowman Gray University and I believe I can support this legislation.’ That was Ham. He was going to make sure that the guys around him who needed him heard what they needed to hear and got the direction that they needed. I would pursue Ham and took him out to eat about five or six times. I said, ‘Ham if you’ll go and you talk, I’ll buy.’ We would go over to his little apartment, and it was a quaint place, and have a drink and talk and I noticed something each time in his apartment. There was always his devotional book and always his Bible on his kitchen table. Maybe that is why we understand and know the Ham that we love so much. He had a lot of depth and a lot of character to him. So I do commend the resolution and I do thank this Senate on how they affirmed him through the years and how they really seek to establish the type of spirit that he brought to each of us and that it could perpetuate. God bless you all.”

Senator Forrester:

“I read something just a few days ago which reminded me of Ham called *The Eagles Perch, What Will Matter?* The author to me is unknown. ‘Ready or not, someday it will all come to an end. There will be no more sunrises, no days, no hours, or minutes. All the things we collected, whether treasured or forgotten, will pass to someone else. Our wealth, fame, and temporal power will shrivel to irrelevance. It will not matter what we own or what we were owed. Our grudges and frustrations will finally disappear. So, too, our hopes, ambitions, plans and to-do lists will all expire. The wins and losses that once seemed so important will fade away. It won’t matter where we came from or on what side of the tracks we lived. It won’t matter whether we were beautiful or brilliant, our gender, our skin color, ethnicity will be irrelevant. So what will matter? How will the value of our days be measured? What will matter is not what we bought, but what we built; not what we got, but what we gave. What will matter is not our successes, but our significance. What will matter is not what we have learned, but what we have taught. What will matter is every act of integrity, compassion, courage, and sacrifice that enriched, empowered, and encouraged others to emulate our example. What will matter is not our competence, but our character. What will matter is not how many people we knew, but how many will feel a lasting loss when we are gone. What will matter are not our memories, but the memories of those who loved us. What will matter is not how long we will be remembered, but by whom and for what. Living a life that matters doesn’t happen by accident. It is not a matter of circumstances, but of choice, choice to live a life that matters.’ Ham Horton lived a life that matters. We all have our own personal thoughts of Ham, his seersucker suit and his bowtie, him playing the tuba and all you could see was the tuba and the legs, him driving his little

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yellow car when he was 73, his Mini-Cooper, him eating pizza with anchovies and drinking beer with Stan Bingham to see who could do the most and eat the most. These are things that I remember about Ham, a wonderful man, a family man. He loved his wife and his daughter. He was an environmentalist that did everything he could to have clean air and clean water. He was a wonderful historian. Frequently, Senator Basnight would call upon him on the Fourth of July, Flag Day, and Memorial Day to get up and say a few words about that particular event. Ham would get up so eloquently and say something very appropriate about that event that we would all appreciate and be mesmerized by what he said. He was a great orator with a soft-spoken voice. Mild mannered, I never heard him speak badly about anyone. He not only used beautiful words, but he understood what those words meant. He had a very kind spirit and a humble demeanor. These are memories that I have of Ham Horton. In this life we find there are people who are givers and people who are takers. Ham Horton was a giver. I think that one of his principles was that you make a living by what you get, but you make a life by what you give. He lived by the motto that we have heard before, 'I am but one, I cannot do everything, but I can do something. What I can do, I ought to do and what I ought to do, by the Grace of God I will.' As has been said earlier, he loved poetry and he loved Shakespeare and one thing from Romeo and Juliet reminded me of Ham. It said, 'When he shall die, take him and cut him out and build stars and he will make the face of heaven so fine that all the world will be in love with night.' And as is often quoted, Longfellow's Psalm of Life, 'Lives of great men all remind us we can make our lives sublime and departing leave behind us footprints on the sands of time.' He left very indelible footprints that will inspire others to make positive footprints in their time and on their generations. Yes, we can shed tears for Ham now that he is gone or we can smile because he has lived. And we can open our eyes and all see what he has left. Thank you, Ham Horton, for what you have given us and thank you for what you have left us. We will all miss you here in the Senate and in North Carolina and we know that you are with your Lord. Thank you."

Senator Soles:

"Madame President and ladies and gentlemen of the Senate, my public and private friendship with Ham Horton extends over a period of about fifty years. I think the first time I recall ever seeing him was when I had finished Wake Forest and had gone over to Chapel Hill to enter the law school as a freshman and Senator Horton was a senior just before graduating. He had served as President of the Student Body at Chapel Hill and he took great pride in telling me what a great decision I had made by leaving Wake Forest and coming over there. He constantly reminded me of that over the years and Senator Rand who was sitting there shaking his head thinks that's correct, also. Then I, also, had the honor and the privilege of serving with him in the House of the Representatives. In law school he sat behind me in the last class he had over there, probably my first class. In the House of Representatives he sat behind me, several rows back because all the Republicans sat on the back row and later on when I served in the Senate with him he was still sitting on the back row, but he never took a back row seat to anyone. Senator Horton was in the lead on any subject that came up and don't get in the way if you don't want to get put in your place. I

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think, if I recall correctly, he made the firecracker speech as he sat right over there. He has made many speeches sitting right back there talking about the North Carolina Museum of History. If there is anything that he thought had no North Carolina heritage it was the North Carolina Museum of History and every time he had an opportunity to tweak it a little bit he would do that in those speeches. I often told him if I ever became the Governor, I would appoint him Secretary of Cultural Resources and he would grin from ear to ear about that. He often talked to me about his music ability. He had found out some way that I was in the marching and concert bands four years at Wake Forest. Senator Forrester back there was also in the band. He and I were in the band at Wake Forest together. I'm sure you didn't know that, but Ham kept tweaking me about that I never could learn to play, that I just carried it and that's what I always told him. He wanted to know what I played and I said that I just carried the trumpet and that I didn't play anything. I certainly didn't learn how to do a tuba. We were great friends and I tell you the first time that I ever heard him speak he had that lilting voice and I don't know how you could ever imitate it, but he had the same enunciation and pronunciation and words that I had never heard of. I didn't know what they were but I enjoyed hearing him say them because they were entertaining and he always put them in context and although I didn't know the meaning of the word, when he got through talking I was sure that I understood exactly what he was talking about. Finally, I noticed that on page two, section one of this resolution that we are designating Senator Horton as a North Carolina Institution. You honored me with that and I say to you welcome, Ham."

Senator Allran:

"Thank you, Madame President and members of the Senate. The first time I had ever heard of Ham Horton was in the early '70s. I was between graduating from college and going to law school and I was working here in Raleigh and I would pass through the Winston-Salem area and see his signs when he was running for Congress so I had already heard his name. His reputation preceded him to when I got to know him when he came back here for the legislature, but he is the type of person that you just will never forget. Some people you can forget or the memories fade, but he is just an unforgettable person and I'll never forget all the enjoyable times sitting beside him in the committee meetings and all the funny things he would say during committee meetings and having dinner with him and all the entertaining comments he would make while we had dinner. It's kind of hard for me to believe that he is not with us anymore and to tell you the truth I kind of feel like he is. It really feels like he is still here to tell you the truth. At times I almost felt like he was a caricature or even a caricature of his own self. He was that enjoyable, that much of a unique character. Mostly, I would describe him as gracious, genteel, well-educated, intellectual, well-mannered, soft-spoken, a great orator, a gentleman and he was really funny, too. As Rosalie said at his memorial service, she said that Ham described the architecture of their home as being Japanese-Moravian. He was a true renaissance man and he could say things on the floor and to people that no one else could get away with. If I or almost anyone else said some of the things that he said on the floor it really would have offended people, but he could say those

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things and then Senator Basnight and Senator Rand just thought they were hilarious. I think that is a great credit to Senator Horton and also the fact that the people who have spoken for him and appreciated him so much, it is so obviously bi-partisan. That says so much for him. When my older daughter, Elizabeth, was paging here a few years ago, she was talking about members of the Senate and she said one of those Senators was just adorable. I didn't know who it was. I knew it wasn't a lady because she said he and I couldn't figure out who it was. I knew it wasn't me or Senator Webster. I said well what does he look like and she said he wears a bowtie and I knew she was talking about Ham. The other thing is that at Ham's memorial service, Rosalie made us all see that Ham was not just a wonderful public servant, but that he was also a great daddy and that was something that came home to me that he was just as much a father and a husband as he was in his public life. I want to close with my favorite anecdote on Ham and this is from Evelyn and I don't have any idea if she remembers she ever said this to me or not, but one time at dinner Evelyn, always gracious and lovely said, 'When I first met Ham, I thought he was the most fascinating man I ever met and now after all these years, I still think so.'

Senator Albertson:

"Thank you, Madame President and members of the Senate. Of course I got to know Ham very well. He and I served on the Ag, Environment and Natural Resources Committee and I can tell you that he supported the farm community as strongly as anyone I have ever seen. At the same time, he supported the environment and natural resources as well as anyone I've ever seen. Now some of us don't have that ability. I know that I don't have it sometimes, but he was able to look at all three things in a positive way and make it work for everybody. Ham would come to my office sometimes and he would say, 'Charlie, I want to talk about this bill here a little bit.' He was passionate about legislation. He read every piece of it, at least what was in my committee. I was convinced of that. He knew what was in every piece of legislation we debated and passed and he always let me know about it. He would ask the right questions. He knew what the question was and most of the time he knew what the answer was. I really had a great respect for Ham. I always told him that one of my desires in life was to be able to get up on the floor and talk like he could. He was so good and great at that. The thing that I will remember most about Ham Horton is this. There was a piece of legislation one time that was quite controversial and I wanted to know what Ham's thoughts about that piece of legislation were because I valued his opinion, but more than anything else I knew that he would be honest with me and tell me the very truth as he saw it. So I went to his office and we sat down and talked about it. He said, 'Charlie I think that is a good piece of legislation and I can tell you I will support it.' I learned from that experience, from that exchange I had with Ham Horton, that he was someone who did not prejudge people. He looked at people and accepted people just as they were. Of all the things that I will remember about Ham Horton, I think that will stand out in my mind more than anything else. I loved Ham Horton for who he was and what he stood for. He was a fine gentleman indeed."

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Senator Dalton:

“Thank you, Madame President and members of the Senate. Since I’m wearing a seersucker suit and was the sponsor of the billboard bill, I feel the need to speak, but I also want to speak because Ham Horton was a very special person. I certainly enjoyed working with him here in the Senate and socializing with him on Monday nights at dinner and at the Judicial Conference. I can remember, as many have already said, the first time I met him. It was my first term, my first day here in the North Carolina Senate. I was seated right there and he got up to debate some motion and he went on at great length, with great oratory and was just absolutely marvelous and I was very impressed and to tell you how impressed I was, that afternoon I went out and bought a pocket dictionary and kept it at my desk the rest of the session. That is the type of person Ham was. He, as Senator Berger said, was a true southern gentleman. He was always polite and he was always courteous, but I think the thing that I remember most is that if Ham ever got you, if he had made a point that he was particularly proud of, he would have a twinkle in his eye and an impish grin that really gave definition to those terms. He really enjoyed life. He enjoyed the debate that we had in this Chamber. He was a champion of hoop cheese and country ham. He was a champion of historical preservation, a champion of the environment and cultural resources. Most of all, he was a champion of the people. He was a great Senator and a great orator. He was a great husband to Evelyn and a great father to Rosalie, but most of all he was a great friend to us all. I want to thank his family for sharing him with us and with the State of North Carolina. We are all better for having known Ham.”

Senator Rand:

“Thank you, Madame President and ladies and gentlemen of the Senate. Hamilton Horton was of North Carolina. He understood it and its people better than anybody that I ever saw and it was an instinctive thing and he had great reverence for its history. That is why the Museum offended him so. He called it, I think, the Museum of Popular Culture and Folk Lore. I think that was his term for it. When we were involved in redoing the Chamber, he was really the leader of the whole thing, about what we should do and about how we should do it in a way that would reflect on what North Carolina is about and something that would add a little something to our daily deliberations and the way we view things that come before us and the decisions that we make. He loved the language. I would just marvel at his ability to use the language so well and so beautifully to convey those thoughts he had about the importance of things. That was a true gift, but one that he had worked I’m sure very hard to develop and he just delighted us in his ability to paint pictures with words and to convey complex and, as somebody said, his sometimes somewhat controversial thoughts. He would do that in such a pleasant way that I think we were all appreciative just to have him in our presence. The most pleasant thing we do here is our relationship with one another and he added so much to that relationship. You would ask Hamilton how he was doing and he would say, ‘I’m bearing up.’ He had just a great way of expressing things and one that is

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really particular to North Carolina. So he was something we just could not have done without. It would have been a poor place indeed had Hamilton not been a part of it. We are fortunate and truly blessed to have been here with him and to have shared his wit and his wisdom and his view of the world during the time that we had together. We remember his time with great appreciation and he did so much for all of us. Thank you, Madame President.”

Senator Dannelly:

“Thank you very much, Madame President. Ladies and gentlemen of the Senate, I guess my experiences with Senator Horton were a little different. When I came here and I would go back and forth from this building to the Legislative Office Building and I would see this gentleman strolling in the summertime with his seersucker suit and bowtie and his head up high and he took a deliberate stroll and I didn’t know him. I watched him and then one day when he met me he said, ‘Hello, Senator Dannelly, I am Ham Horton.’ I usually forget names, but I never forgot his name. We served on several committees together and like many of you in here who have heard him say anything, this Chamber was as quiet as it could get once he started with his soft voice. I concur with all that everyone before me has said but to me, Ham Horton was the ultimate epitome of a southern gentleman of protocol and statesmanship. I have never seen a man of his stature stand and walk so tall. I urge the resolution to you.”

Senator Purcell:

“Thank you, Madame President. I think, as you know, on occasions I bring up bills on the Senate floor that many of you, especially those on the back row, can’t stand to deal with, things like bicycle helmet bills and seat belt bills. Ham Horton was one of those people and he hated these type of bills with a passion. He would stand up right back here and make the most eloquent speech you can imagine about how awful it is for the government to interfere with people’s rights and he would go on and on and I would sit here thinking, ‘Well gosh, maybe I’m wrong about this.’ He did it in such an eloquent manner and was such a gentleman about it and even after that we would leave the Chamber as friends. I just have great respect for people who have the art and the ability to disagree but then still remain friends and carry on as we should do and I just commend this resolution highly to you.”

Senator Bingham:

“Thank you, Madame President. Ladies and gentlemen of the Senate, several of you have known Hamilton many more years than I but I don’t know of a dearer friend I had here in this body than Hamilton Horton. We quickly became friends when I first came here and, of course, he had his expanse of the English language and all of the words he had, most of mine were four-letter and he, in fact, knew what I was speaking of and knew not a better way to convey messages to him than otherwise. I tried to get a bowtie this morning to come to speak about Hamilton, but I couldn’t find a clip-on so I apologize. Hamilton and I became very close, we truly did. He loved every member of this Senate body for your respect and consideration

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and all the things and hardships that we all endure and the criticism we receive on a constant basis. As you all have said, he was always a gentleman, but I'm going to tell you a couple of things that you probably didn't know about him. Of course, all of you knew that he did not like to get up early. I would try to get him to come over to Big Ed's and eat and he would say, 'Well, just come over to my apartment and we will eat there.' Of course, I was always pleased. Evelyn, he always looked forward to your coming down but I was always happy when you didn't because Hamilton and I would pal around together late at night and do other things which I won't inform you of! But anyway, we certainly had a good time together. I know it was mentioned today about the little sports car he had. Hamilton always loved sports cars and he was quite a good driver. One day we were down in the basement and this is when he had the old convertible. I forgot exactly what it was, but he really didn't like the car! Evelyn, he didn't have the courage to tell you that, but he really didn't like that car. Anyway, I got into the car because we were going to go somewhere to eat and you know how Hamilton stands very erect and proper and he must have been driving backwards fifteen miles per hour and hit one of those concrete poles down underneath the basement. It threw me back over in the back halfway across the seat. I thought, 'God knows, Hamilton!' You know he never said one word, he never said a word, never mentioned it and I didn't either. Several of you know I have a locksmith license and my interest was in picking locks and I became very interested in that because it is sort of a puzzle and I was mentioning to Hamilton about a double-locks bow pick and he said, 'Yea, I used to use one of those.' It puzzled me because that is sort of an unusual terminology to hear. Of course, he was very familiar with that. I know it was mentioned here that he was in the Navy and he was in intelligence in the Navy and he was quite an accomplished lock pick and knew a lot about locks and a lot of other things that we discussed. We had talked about several things and, of course, that being one of the things that we became keenly interested in. On a regular basis we used to go to the Red Dragon and I know it was mentioned something about beer. Hamilton loved beer and so do I and still do and I'm sure he would. There was a beer there that both of us came to truly like and it is called Tsingtao. Charlie Albertson calls it tsunami, but it is really Tsingtao. We would always go over there and eat a Happy Family and a lot of you are familiar with this restaurant. It's a fine restaurant, very clean and we had a wonderful time together. The only other thing I would like to say about Hamilton is when I served in Winston-Salem, I was asked to be a pallbearer, and talked with several of his school friends and friends he was with in law school and asked them some things about Hamilton and they said well you know Hamilton quickly became well-known because in law school when we had a test, I guess you have curves because of some of the difficulty of the tests they gave. They may curve up, certainly not down, but up. But anyway, they said, 'This Hamilton, I didn't have any idea who he was, but I learned quickly that if anybody would ruin the curve it would be Hamilton Horton.' Of course, they had a resentment for that because when any tests were taken he would be at the top of his class. I think that goes along with exactly what we have heard here today and I appreciate being able to say a few things about Hamilton. Thank you, Madame President."

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Senator Brock:

“I will give you another perspective of Senator Horton and one from the back row and I don’t speak as being the minority party, but as being one of the staff here in the Senate Chamber. When I first came here, I worked as an intern in the Senate Sergeant-At-Arms office and sat along the back row and he treated each one of us staff with the dignity and respect that would be befitting of royalty. He was an old family friend and there are a lot of good old political campaign stories back in the day when they would campaign. There was a good one about when he and my uncle got into a debate at the old district convention. In fact, Ham won the debate because he had the last word, but they always got along with it. He was in failing health and wasn’t able to go see Ham. I just think about times or dates in history, where were you at this point and time. The one that a lot of people have spoken about today was the fireworks bill. Well, I was here in the Chamber and I was working the golden door with Leslie Wright in the back when the House member who sponsored the bill came over. We said, ‘Mr. Representative, it is good to see you,’ and he said, ‘Yea, I’ve got a bill over here today. It shouldn’t have any trouble. I’ve only got one person that I know who is opposing this bill, Ham Horton.’ And as they say, the rest is history because to watch when Ham got up and spoke on this bill and to watch the body language and faces of each member one by one by one change their vote, you could tell this House member was frustrated and left. But I was here and it is something that I will always remember and I would tell people about, ‘Well if you ever have a chance to go down to Raleigh sit in on the Senate and, hopefully, you will hear Senator Ham Horton speak.’ Of course, back then as an intern you knew that when he would start speaking that the galleries would start to fill up. No matter what debate or what was over on the House floor, people would come over here just to hear what Ham had to say. I think it is tough to try to duplicate his oratory skills. He could dress you up and down and you would just smile and say thank you. He had such a way with words. Just the other day I was in someone’s office and looked at the thesaurus and the first thing I thought of was Ham Horton. He had that type of impact, but the impact he had more than his oratory skills, legislation that he proposed, those that he carried out, but the legends of his speeches that he gave in this Chamber live through these halls for a long time and we see the renovations that we have in this Chamber are a great reflection of a man who is truly a classic. I commend the resolution.”

Senator Basnight:

“Thank you, Madame President and members of the Senate. Rosalie and Evelyn, I have a bowtie and I couldn’t tie it this morning. It was a bowtie that he wore that you gave me and, if I remember, the colors are green, white, and blue, the striped bowtie. The green speaks of the color of North Carolina, its leaves and its evergreens. The blue color is the ocean and the white being the air. All of those combine to make for a natural environment and the love that he had for every leaf in the mountains and the snow that falls upon those leaves were important to him and the ocean where I live and what it meant to mankind. He was a man that gave to me a love of history of our State and our people. He gave me direction and he created that among all of us and it is the people that

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habitate our State today and will tomorrow, the children that are on the back row representing all of the children in North Carolina who are in our schools today and are the ones that he loved the very most and it was those that he had a fear for what the future would hold for them, what they would face and what would be before them and the decisions that they would make that would affect our world. He said that if you knew not where you were going, how could you know where you came from. Now they run in conflict in words and different ways, but Ham could speak in conflict but with a full understanding of the meaning of the subject that went beyond my understanding. He wanted me to understand and to have the knowledge that the place that I represent just as you represent, is of great importance and the words that I speak will be heard by many and they should be true. They should be honest and they should be firm and they should have reason and understanding. In sitting in his office one particular day, and I have spoken of this before, of his offering me the Winston cigarette, Linda and Pete, and saying how delicious they are. And yet it made me think again of wanting to smoke that cigarette that was so delicious like it was a piece of American apple pie. Well to him it was a piece of America, it was a piece of our history and our prosperity and it spoke of that. Well, he talked about a piece of our history in North Carolina that I didn't fully understand and as we discussed that he made me sort of dip back in time and to read a little better about our past and where we may go. He created in me that belief that if we did not fully understand our past, we could never comprehend our future. So he left for us the understanding of where we may go because of the past that was followed by others previous to us. He was a great man who spoke with so much principle and understanding. As I sit here today, I think of what he did for the little people of this State. Now we know what he did for the history. We know what he did for the buildings. We know what and how and why he spoke of the love of the character of this State, but where is it that we may carry ourselves and what is it that we can do for the youth. Senator Webster, George Daniel once served here as an intern and he served in the Judiciary I Committee and I believe it was Julian Allsbrook who was chair of that committee and Ham served on that committee as well and George interned that committee and he became a friend of Senator Horton. He worked under him on some different subject areas that were unique to the particular committee. George graduated from Yancey High School and went to NC State and had a 3.01 grade point average and he wanted to go to law school and in George's estimate he would not get into law school with that grade point average and coming from the rural school that he came from he could not succeed so he contacted Senator Horton and I have a copy of that letter that George sent me today that Senator Horton wrote to the Dean of the School of Law at Wake Forest University recommending George Daniel for admittance to that school. In it he explains that where George came from maybe he did not have the best instructive materials or maybe he did not have what could have been found in other cities and other places. In other words, he was saying the school was a bit inferior to other schools and he was explaining in great detail that he worked on the farm and he had a good work habit and he had a solid background in his religious

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beliefs and he was describing in this letter all the good components of a rural country boy and how Wake Forest University sorely needed such. Well, George was accepted into Wake Forest University and went on to serve here in the Senate and today he attributes his success to Ham Horton. There is a poem that he sent along that I won't read because so much has been said today, but I believe that speaks to what the man was, that invisible component of what you didn't see that he did for others and that's what is great about people like Ham. He didn't care that you understood or knew that he did something for someone else. That was of little meaning to him. What he cared about is that we all succeed and we do the right thing and preserve our past and our history and prepare our youth for the future, a future of opportunity that we helped create and they will make. To one of the greatest people I ever met, not just one that I served with, but one that I ever knew, we honor him today. God bless you my old friend. Hope to see you soon, but not too quickly."

The joint resolution, as amended, passes its second reading (50-0) and third reading with members standing and is ordered engrossed and 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 Senator Horton's family and special friends seated in the gallery: Lee and David Crawford, Rob Moore, Frank Melchoir, Stuart Parks, Susan and O.C. Pennington from Raleigh, and the Reverend Dennis Kyseth; Director of Greater Piedmont Teen Challenge of Greensboro.

The President extends privileges of the floor to Mrs. Horton and Rosalie, wife and daughter of Senator Horton.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 700, AN ACT DIRECTING LOCAL BOARDS OF EDUCATION, CHARTER SCHOOLS, THE NORTH CAROLINA SCHOOL OF THE ARTS, AND THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS 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.

H.B. 448, AN ACT TO EXEMPT COMMUNITY COLLEGES FROM THE LAW GOVERNING SMOKING RESTRICTIONS.

H.B. 2047, AN ACT TO PROMOTE CONSUMER CHOICE IN VIDEO SERVICE PROVIDERS AND TO ESTABLISH UNIFORM TAXES FOR VIDEO PROGRAMMING SERVICES.

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The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 294, AN ACT AMENDING THE CHARTER OF THE TOWN OF CAJAH MOUNTAIN TO CHANGE THE NAME OF THE BOARD OF ALDERMEN TO TOWN COUNCIL AND THE TITLE OF THE CHAIRMAN TO MAYOR.

H.B. 2041, AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO USE CIVILIAN TRAFFIC INVESTIGATORS TO INVESTIGATE PROPERTY DAMAGE CRASHES.

H.B. 2405, AN ACT TO EXPAND THE MEMBERSHIP OF THE RUTHERFORD COUNTY BOARD OF EDUCATION BY ADDING AN AT-LARGE MEMBER AND ALLOW THE CHAIRMAN TO VOTE ON ALL ISSUES BEFORE THAT BOARD.

H.B. 2570, AN ACT AUTHORIZING THE CITY OF GREENVILLE TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

H.B. 2724, AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO PERMIT THE TOWN COUNCIL TO ACCEPT PAYMENTS IN LIEU OF TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS FOR NEW DEVELOPMENT.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 1283, AN ACT TO CLARIFY THE TREATMENT OF DEFERRED TAX ASSETS IN THE COMPUTATION OF THE FRANCHISE TAX CAPITAL BASE AND TO INCREASE THE ADMINISTRATIVE EFFICIENCY OF THE UNIVERSITY OF NORTH CAROLINA BY EXEMPTING IT FROM LAWS GOVERNING CONSULTANT SERVICES, ALLOWING THE BOARD OF GOVERNORS TO DELEGATE MORE AUTHORITY TO THE PRESIDENT OF THE UNIVERSITY OF NORTH CAROLINA, AND CHANGING ITS REPORTING DATES. (Became law upon approval of the Governor, July 10, 2006 - S.L. 2006-95.)

S.B. 1991, AN ACT TO PROVIDE BALANCE AMONG THE COUNTIES IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 13 AND TO DIVIDE SUPERIOR COURT DISTRICT 13. (Became law without the approval of the Governor, July 11, 2006 - S.L. 2006-96.)

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S.B. 1433, AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO MOVE ITS ALCOHOLIC BEVERAGE CONTROL STORE TO A NEW LOCATION WITHIN THE CORPORATE LIMITS OF THE TOWN AND TO MOVE WITHIN SEVEN MILES OF ANOTHER ABC STORE IN BRUNSWICK COUNTY. (Became law upon ratification, July 11, 2006 - S.L. 2006-97.)

H.B. 2477, AN ACT AMENDING THE DURHAM COUNTY ROOM OCCUPANCY TAX PROVISIONS. (Became law upon ratification, July 11, 2006 - S.L. 2006-98.)

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1896 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) TO IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) TO EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; AND (4) TO AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS, 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, 60861, which changes the title upon concurrence to read **H.B. 1896** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (5) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (6) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; AND (7) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1024 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT

July 12, 2006

A PILOT PROGRAM IN WHICH THE INSTANT RUNOFF METHOD OF VOTING WOULD BE USED IN LOCAL ELECTIONS; TO SET THE DATE OF FUTURE SECOND PRIMARIES AT SEVEN WEEKS AFTER THE FIRST PRIMARY; TO REVISE THE MUNICIPAL ELECTION SCHEDULE TO PROVIDE MORE TIME FOR ABSENTEE VOTING AND ELECTION ADMINISTRATION; TO CONFORM NORTH CAROLINA ABSENTEE VOTING LAW TO THE U.S. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT; TO ALLOW THE BOARDS OF ELECTIONS TO KEEP CONFIDENTIAL THE IDENTITY OF VOTING UNITS USED IN HAND SAMPLE COUNTS UNTIL THE COUNTY CANVASS; TO PROVIDE FOR FILLING MID-ELECTION-YEAR JUDICIAL VACANCIES; AND TO FURTHER AMEND THE LAW CONCERNING JUDICIAL CANDIDACIES.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, July 13.

H.B. 1846 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LOWER THE THRESHOLD FROM ONE HUNDRED DOLLARS TO FIFTY DOLLARS FOR ACCEPTING A POLITICAL CONTRIBUTION IN CASH; TO PROHIBIT THE USE OF BLANK PAYEE CHECKS IN CAMPAIGN CONTRIBUTIONS; TO REQUIRE THE REPORTING OF THE IDENTITY OF A CONTRIBUTOR WHO MAKES A CONTRIBUTION OF MORE THAN FIFTY DOLLARS; TO SPECIFY THE TIME PERIOD BY WHICH THE THRESHOLD FOR IDENTIFYING AN INDIVIDUAL CONTRIBUTOR'S IDENTITY IS MEASURED; TO ADD A PENALTY FOR ACCEPTING CONTRIBUTIONS FROM CERTAIN NONLEGAL SOURCES; TO BAR PROSECUTION IF BEST EFFORTS ARE MADE TO ENSURE THAT A CONTRIBUTION IS FROM A LEGAL SOURCE; AND TO STRENGTHEN POLITICAL COMMITTEE TREASURER TRAINING, upon third reading.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, July 13, upon third reading.

H.B. 2339 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CASWELL, DAVIE, AND LINCOLN COUNTIES TO REQUIRE THAT ALL TAXES BE PAID ON REAL PROPERTY BEFORE THE REGISTER OF DEEDS MAY RECORD A DEED TRANSFERRING THAT PROPERTY AND BEFORE A BUILDING PERMIT MAY BE ISSUED WITH RESPECT TO THAT PROPERTY.

Upon motion of Senator Forrester, the President orders, without objection, the Committee Substitute bill temporarily displaced.

The President relinquishes the gavel to The Honorable Marc Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

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WITHDRAWAL FROM COMMITTEE

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** on March 23, 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 **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*)

S.B. 1928 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CLAYTON AND THE CITY OF REIDSVILLE TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT, for concurrence.

Upon motion of Senator Smith, the Senate concurs in the House Committee Substitute bill No. 2 (48-1) and the bill is ordered enrolled.

H.B. 945 (Conference Report), 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 motion of Senator Hoyle, the Senate adopts the Conference Report (43-7).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE

H.B. 2873 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERMITTING AND INSPECTION OF NEW PRIVATE DRINKING WATER WELLS AND TO REQUIRE WATER QUALITY TESTING OF PRIVATE DRINKING WATER WELLS, referred to the **Agriculture/Environment/Natural Resources Committee** on July 11.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

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The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-refers the bill to the **Finance Committee**.

CALENDAR (*continued*)

H.B. 1522 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE TAX CREDIT FOR PRODUCTION COMPANIES TO THE STANDARD TAX TREATMENT WITH RESPECT TO THE DEDUCTION OF BUSINESS EXPENSES.

The Chair rules that the Senate Committee Substitute bill does not require a call of the roll.

The Senate Committee Substitute bill passes its second (32-17) 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. 1242, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO ESTABLISH GEAR SPECIFIC PERMITS TO TAKE STRIPED BASS FROM THE ATLANTIC OCEAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1295, A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR CONSUMERS WHO RECEIVE UNSOLICITED FACSIMILES.

Senator Dorsett 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 by special message.

S.B. 1375 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE NOTARY PUBLIC ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER CORRECTIONS TO SESSION LAW 2006-59.

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. 1564 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING SANITARY LANDFILL FRANCHISE ORDINANCES AND AGREEMENTS TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED TO, AWARD SANITARY LANDFILL FRANCHISES; TO PROVIDE FOR THE AWARD OF PRELIMINARY FRANCHISES AS WELL AS FRANCHISES AND TO SPECIFY THE INFORMATION TO BE INCLUDED THEREIN; TO ENSURE

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THAT SANITARY LANDFILL FRANCHISES ARE AWARDED ONLY AFTER ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO PROVIDE THAT FRANCHISES ARE AWARDED ONLY AFTER PUBLIC NOTICE OF THE LOCATION OF THE PROPOSED SANITARY LANDFILL; AND TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1833 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR MEMORIAL SERVICE OR ANY OTHER FUNERAL OR MEMORIAL SERVICE.

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.B. 853 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE FOR PERIODS OF SERVICE UNDER THE OPTIONAL RETIREMENT PROGRAM FOR STATE INSTITUTIONS OF HIGHER EDUCATION AND TO INCLUDE THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS WITHIN THE OPTIONAL RETIREMENT PROGRAM FOR THE UNIVERSITY OF NORTH CAROLINA.

Senator Dalton offers Amendment No. 1 which is adopted (50-0).

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Perdue, who presides.

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. 1025 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOL BEVERAGE CONTROL LAWS.

The Senate Committee Substitute bill passes its second (35-15) 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. 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.

Senator Swindell offers Amendment No. 1 which is adopted (49-0).

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The Committee Substitute bill, as amended, passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

H.B. 1231 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS FROM EXTREME PRICING PRACTICES.

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. 1248 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE IDENTITY THEFT PROTECTION ACT OF 2005.

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. 1291 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR VIOLATING CERTAIN LAWS REGULATING CERTIFIED PUBLIC ACCOUNTANTS.

Upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

H.B. 1327 (Senate Committee Substitute), 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.

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. 1848 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COLLECTION OF OFFENDER FINES AND FEES ASSESSED BY THE GENERAL COURT OF JUSTICE BY CREDIT CARD, CHARGE CARD, OR DEBIT CARD; TO AUTHORIZE THE USE OF ELECTRONIC FILING IN THE TRIAL COURTS; TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE THE JUDICIAL DEPARTMENT WITH CRIMINAL BACKGROUND CHECKS FROM THE STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORIES; TO ESTABLISH A PERMANENCY MEDIATION PROGRAM; TO AMEND THE LAW PROVIDING FOR FOREIGN LANGUAGE INTERPRETERS IN THE COURTS; TO AUTHORIZE THE ESTABLISHMENT OF CERTAIN POSITIONS WITHIN THE JUDICIAL DEPARTMENT; TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE SIX ADDITIONAL MEMBERS OF THE COMMISSION; AND TO MAKE TECHNICAL CORRECTIONS AND ADJUSTMENTS TO PROVISIONS AFFECTING THE COURTS.

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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. 2060 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO MAKE OTHER CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION.

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. 2223 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 2744 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT FOR CERTAIN TAXPAYERS, AND TO EXTEND CERTAIN SALES AND USE TAX REFUNDS.

Senator Hoyle offers Amendment No. 1 which is adopted (49-0), and changes the title upon concurrence to read **H.B. 2744** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT FOR CERTAIN TAXPAYERS, AND TO ENHANCE CERTAIN SALES AND USE TAX BENEFITS

The Committee Substitute bill No. 2, as amended, passes its second (36-13) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

H.B. 2868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO LEASE CERTAIN PROPERTY ON THE MAINLAND SIDE OF THE HOLDEN BEACH BRIDGE.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 2880 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT A PERSON WHO IS GUILTY OF PASSING A STOPPED SCHOOL BUS FROM RECEIVING A PRAYER FOR JUDGMENT CONTINUED.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor by special message.

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REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Shaw for the **Transportation 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, 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 80682, which changes the title upon concurrence to read **H.B. 643** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PRIVATE FUNDING OF CERTAIN PUBLIC INTERCHANGES AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT OF AIRSPACE ABOVE STATE ROAD 1250, SPRINGFIELD ROAD, NEAR ROCKY MOUNT FOR THE CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 491 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE ASSETS OF THE BUTNER WATER AND SEWER SYSTEM TO THE SOUTH GRANVILLE WATER AND SEWER AUTHORITY, AND TO PROVIDE THAT BUTNER PUBLIC SAFETY SHALL BE CONSIDERED THE EQUIVALENT OF A MUNICIPAL POLICE DEPARTMENT FOR PURPOSES OF THE LAWS PROVIDING FOR COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES AND ASSISTANCE TO STATE LAW ENFORCEMENT AGENCIES, for concurrence.

Upon motion of Senator Berger of Franklin, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor by special message.

H.B. 2339 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CASWELL, DAVIE, AND LINCOLN COUNTIES TO REQUIRE THAT ALL TAXES BE PAID ON REAL PROPERTY BEFORE THE REGISTER OF DEEDS MAY RECORD A DEED TRANSFERRING THAT PROPERTY AND BEFORE A BUILDING PERMIT MAY BE ISSUED WITH RESPECT TO THAT PROPERTY, temporarily displaced earlier today.

Upon motion of Senator Forrester, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, July 13.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1048 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE: (1) IMPROVED DETECTION OF IMPAIRED

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DRIVERS ON THE STATE'S ROADS AND HIGHWAYS; (2) IMPROVED METHODS OF DETERMINING HOW UNDERAGE DRIVERS OBTAIN ALCOHOL; (3) PROCEDURES FOR INVESTIGATING, ARRESTING, CHARGING, AND JUDICIAL PROCESSING OF IMPAIRED DRIVING OFFENSES; (4) RULES FOR THE COURTROOM ADMISSION OF EVIDENCE THAT IS RELEVANT TO IMPAIRED DRIVING OFFENSES; (5) CLARIFICATION ON WHEN A DRIVER IS GUILTY OF DRIVING WHILE IMPAIRED; (6) AGGRAVATED PENALTIES FOR OFFENDERS WHO SERIOUSLY INJURE OR KILL WHEN DRIVING WHILE IMPAIRED; (7) A SYSTEM OF REPORTING BY STATE PROSECUTORS AND THE COURTS ON THE DISPOSITION OF IMPAIRED DRIVING OFFENSES; (8) ELECTRONIC MONITORING AFTER AN IMPAIRED DRIVER HAS BEEN RELEASED FROM CONFINEMENT; (9) PROCEDURES TO DETERMINE IF IMPAIRED DRIVERS WHO ARE FOREIGN NATIONALS ARE LAWFULLY IN THE UNITED STATES; (10) OTHER MEASURES DESIGNED TO IMPROVE THE SAFETY OF THE MOTORING PUBLIC OF NORTH CAROLINA; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS THE "MOTOR VEHICLE DRIVER PROTECTION ACT OF 2006."

Pursuant to the message from the House of Representatives received on July 11 that the House fails to concur in the Senate Committee Substitute bill No. 2 for H.B. 1048 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Rand, Chair, Senator Clodfelter 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.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Chelsea Block, Cary; Andrew Daniel Brown, Raleigh; Hannah Challenger, Gastonia; Courtney Cooper, Gastonia; Bennett Whitfield Evans, Rutherfordton; Ashley E. Forte, Durham; Brittany Frazier, Greensboro; Kirby D. Frennea, Winston-Salem; Jonathan F. Gamble, Cary; James B. Gullede, Raleigh; Mary McAllister Holland, Greensboro; Christopher Michael Horne, Fayetteville; Tyler Franklin Horne, Fayetteville; Jeffery Hurley, Gibsonville; Holly Johnson, Greensboro; William K. Jordan, Pisgah Forest; John Ryan Keen, Kenly; Stephen Richard Kling, Winston-Salem; Kendall M. Lancaster, Raleigh; Jennifer Langston, Richlands; Kenley Lesak, Concord; Alexandra E. Lowe, Burlington; Corrine Mellin, Raleigh; Elizabeth K. Moore, High Point; Caitlin Oakley, Concord; Michael Pell, Gibsonville; Luke H. Pickard, Charlotte; Margaret Christina Reardon, Burlington; Anne K. Reid, High Point; Alexander Westwood

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Saunders, Winston-Salem; Laney Schenk, Gastonia; Courtney R. Smith, Wallace; Matthew W. Southern, Kernersville; and Bridget VanDyke, Raleigh.

Upon motion of Senator Basnight, seconded by Senator Berger of Rockingham, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet tomorrow, Thursday, July 13, 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
July 12, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1216**, A BILL TO BE ENTITLED AN ACT TO (1) ALLOW LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, AND (2) ALLOW ENTITIES DESIGNATED BY THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO SHARE INFORMATION WITH A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT IS RELEVANT TO AN ASSESSMENT OF REPORTS OF CHILD ABUSE, NEGLECT, AND DEPENDENCY BY A LOCAL DEPARTMENT OF SOCIAL SERVICES, and requests conferees, Speaker Black appoints:

Representative Glazier, Chair
Representative Weiss
Representative Parmon, and
Representative Earle

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 12, 2006

House of Representatives
July 12, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1373**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; TO AUTHORIZE THE DIVISION TO ISSUE AN INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS SPECIAL PLATE TO A SURVIVING SPOUSE; AND TO REPEAL THE SUNSET ON THE HARLEY OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES, and requests conferees, Speaker Black appoints:

Representative Glazier, Chair
Representative Williams
Representative Crawford
Representative Underhill
Representative Wainwright, and
Representative Vinson

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:

July 12, 2006

H.B. 2037 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MEDICAID REIMBURSEMENTS FOR OCULAR PROSTHETISTS.

Referred to the **Health Care Committee**.

H.J.R. 2876, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WARREN CLAUDE "PETE" OLDHAM, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Placed on the Calendar for tomorrow, Thursday, July 13.

H.B. 2727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE BOXING COMMISSION.

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 12, 2006

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. 1323** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION, and requests conferees.

Speaker Black has appointed:

Representative Glazier, Chair
Representative Hackney
Representative Cunningham, and
Representative Stam

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

July 12, 2006

H.B. 1891 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND SIMPLIFY THE APPLICATION OF THE ADDITIONAL GROSS PREMIUMS TAXES ON FIRE AND LIGHTNING COVERAGE.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 6:55 P.M.

ONE HUNDRED SIXTY-SEVENTH DAY

Senate Chamber
Thursday, July 13, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Dr. John Saunders, Director of Missions, Yates Baptist Association, Durham, North Carolina as follows:

"Most Holy and Gracious God, we acknowledge you today as the creator of all life and as the one who sustains us with your love and your grace. Lord, we humbly come before you today asking for your presence to be known in this place. The State Senate is gathered here today to discuss issues and topics that will affect the lives of those who live and work in North Carolina. You have commanded in the Bible that prayers be lifted up for those who have the responsibility of governing us. Therefore, I thank you for these civil servants who give up their time, talents and resources to serve the people of North Carolina. Lord, I ask your blessing on each Senator assembled here today. Give to each one a true servant's heart.

"Father, I pray for each Senator that you will give clarity of thought and that the words spoken here today will be encouraging and uplifting. Bestow the wisdom that can only come for you to these elected officials as they make difficult decisions. May Godly discernment be evident in the deliberations and discussion.

"I pray for integrity and honesty to be displayed in each of the lives present here today. But most of all, Father, may all that is said and done by this assembly bring honor to you. I lift this prayer to you in the name of Jesus, Amen."

The Chair grants a leave of absence for today to Senator Dannelly.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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.

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The Chair extends the privileges of the floor to Jan Tillman from Kinston, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 491, AN ACT TO TRANSFER THE ASSETS OF THE BUTNER WATER AND SEWER SYSTEM TO THE SOUTH GRANVILLE WATER AND SEWER AUTHORITY, AND TO PROVIDE THAT BUTNER PUBLIC SAFETY SHALL BE CONSIDERED THE EQUIVALENT OF A MUNICIPAL POLICE DEPARTMENT FOR PURPOSES OF THE LAWS PROVIDING FOR COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES AND ASSISTANCE TO STATE LAW ENFORCEMENT AGENCIES.

H.B. 1151, AN ACT TO PROVIDE FOR INSTRUCTIONAL PLANNING TIME AND A DUTY-FREE LUNCH PERIOD FOR TEACHERS.

H.B. 1987, AN ACT TO MAKE CHANGES TO THE STATUTORY BASIC AND STANDARD HEALTH PLANS FOR SMALL EMPLOYERS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HEALTH CARE.

H.B. 2188, AN ACT TO PROVIDE FOR A PROCEDURE FOR CHALLENGING THE QUALIFICATIONS OF A CANDIDATE.

H.B. 2868, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO LEASE CERTAIN PROPERTY ON THE MAINLAND SIDE OF THE HOLDEN BEACH BRIDGE.

H.B. 2880, AN ACT TO PREVENT A PERSON WHO IS GUILTY OF PASSING A STOPPED SCHOOL BUS FROM RECEIVING A PRAYER FOR JUDGMENT CONTINUED.

H.B. 2883, AN ACT TO PROTECT MILITARY SERVICEMEMBERS AND VETERANS FROM IDENTITY THEFT.

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. 1928, AN ACT AUTHORIZING THE TOWN OF CLAYTON AND THE CITY OF REIDSVILLE TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

H.B. 845, AN ACT TO ADD GASTON, SURRY, AND WILKES COUNTIES, AND THE TOWNS OF OCEAN ISLE BEACH AND SURF CITY, TO THE AREAS IN WHICH LAW ENFORCEMENT OFFICERS AND EMPLOYEES

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MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND TO ALLOW THE CITY OF WHITEVILLE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.

H.B. 2223, AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM.

H.B. 2259, AN ACT TO AUTHORIZE THE TOWNS OF ELKIN, PILOT MOUNTAIN, AND DOBSON TO LEVY A SIX PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

S.J.R. 2064, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HAMILTON COWLES HORTON, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 21)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 294, AN ACT AMENDING THE CHARTER OF THE TOWN OF CAJAH MOUNTAIN TO CHANGE THE NAME OF THE BOARD OF ALDERMEN TO TOWN COUNCIL AND THE TITLE OF THE CHAIRMAN TO MAYOR. (Became law upon ratification, July 12, 2006 - S.L. 2006-99.)

H.B. 2041, AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO USE CIVILIAN TRAFFIC INVESTIGATORS TO INVESTIGATE PROPERTY DAMAGE CRASHES. (Became law upon ratification, July 12, 2006 - S.L. 2006-100.)

H.B. 2405, AN ACT TO EXPAND THE MEMBERSHIP OF THE RUTHERFORD COUNTY BOARD OF EDUCATION BY ADDING AN AT-LARGE MEMBER AND ALLOW THE CHAIRMAN TO VOTE ON ALL ISSUES BEFORE THAT BOARD. (Became law upon ratification, July 12, 2006 - S.L. 2006-101.)

H.B. 2570, AN ACT AUTHORIZING THE CITY OF GREENVILLE TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT. (Became law upon ratification, July 12, 2006 - S.L. 2006-102.)

H.B. 2724, AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO PERMIT THE TOWN COUNCIL TO ACCEPT PAYMENTS

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IN LIEU OF TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS FOR NEW DEVELOPMENT. (Became law upon ratification, July 12, 2006 - S.L. 2006-103.)

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 1566 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS AND TO PROTECT WATER QUALITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Upon motion of Senator Clodfelter, the President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 1024 (Senate 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; TO SET THE DATE OF FUTURE SECOND PRIMARIES AT SEVEN WEEKS AFTER THE FIRST PRIMARY; TO REVISE THE MUNICIPAL ELECTION SCHEDULE TO PROVIDE MORE TIME FOR ABSENTEE VOTING AND ELECTION ADMINISTRATION; TO CONFORM NORTH CAROLINA ABSENTEE VOTING LAW TO THE U.S. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT; TO ALLOW THE BOARDS OF ELECTIONS TO KEEP CONFIDENTIAL THE IDENTITY OF VOTING UNITS USED IN HAND SAMPLE COUNTS UNTIL THE COUNTY CANVASS; TO PROVIDE FOR FILLING MID-ELECTION-YEAR JUDICIAL VACANCIES; AND TO FURTHER AMEND THE LAW CONCERNING JUDICIAL CANDIDACIES.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 17.

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 Lucas, Swindell and Garwood:

S.R. 2065, A SENATE RESOLUTION ELECTING LAURA W. BUFFALOE, ED.D. TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Education/Higher Education Committee**.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 2027 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF BENSON, CASWELL BEACH, AND TABOR CITY TO REGULATE GOLF CARTS, with a favorable report.

H.B. 2873 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERMITTING AND INSPECTION OF NEW PRIVATE DRINKING WATER WELLS AND TO REQUIRE WATER QUALITY TESTING OF PRIVATE DRINKING WATER WELLS, with a favorable report.

H.B. 1891 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND SIMPLIFY THE APPLICATION OF THE ADDITIONAL GROSS PREMIUMS TAXES ON FIRE AND LIGHTNING 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 10647, which changes the title to read **H.B. 1891** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND SIMPLIFY THE APPLICATION OF THE ADDITIONAL GROSS PREMIUMS TAXES ON FIRE AND LIGHTNING COVERAGE AND TO MAKE TECHNICAL AND CLARIFYING TAX LAW CHANGES, is adopted and engrossed.

By Senator East for the **State & Local Government Committee**:

H.B. 2653, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN ALAMANCE COUNTY, with a favorable report.

CALENDAR *(continued)*

H.B. 2339 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CASWELL, DAVIE, AND LINCOLN COUNTIES TO REQUIRE THAT ALL TAXES BE PAID ON REAL PROPERTY BEFORE THE REGISTER OF DEEDS MAY RECORD A DEED TRANSFERRING THAT PROPERTY AND BEFORE A BUILDING PERMIT MAY BE ISSUED WITH RESPECT TO THAT PROPERTY.

Senator Webster offers Amendment No. 1 which is adopted (49-0), and changes the title to read **H.B. 2339** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW DAVIE AND LINCOLN COUNTIES TO REQUIRE THAT ALL TAXES BE PAID ON REAL PROPERTY BEFORE THE REGISTER OF DEEDS MAY RECORD A DEED TRANSFERRING THAT PROPERTY AND BEFORE A BUILDING PERMIT MAY BE ISSUED WITH RESPECT TO THAT PROPERTY.

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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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, 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, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for Monday, July 17, upon third reading.

The President relinquishes the gavel to The Honorable Marc Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

S.B. 1594, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The bill passes its second (47-2) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 1896 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (5) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (6) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; AND (7) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 17.

WITHDRAWAL FROM COMMITTEE

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 WAGE, referred to the **Finance Committee** on August 11, 2005.

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Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and re-refers the bill to the **Judiciary I Committee**.

S.R. 2065, A SENATE RESOLUTION ELECTING LAURA W. BUFFALOE, ED.D. TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, referred to the **Education/Higher Education Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Resolution be withdrawn from the **Education/Higher Education Committee** and placed on the Calendar for Monday, July 17, which motion prevails with unanimous consent.

The Chair orders the Senate Resolution withdrawn from the **Education/Higher Education Committee** and places it on the Calendar for Monday, July 17.

CALENDAR *(continued)*

H.B. 643 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PRIVATE FUNDING OF CERTAIN PUBLIC INTERCHANGES AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT OF AIRSPACE ABOVE STATE ROAD 1250, SPRINGFIELD ROAD, NEAR ROCKY MOUNT FOR THE CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM.

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. 1093 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW LANDFILLS IN THE STATE AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO SOLID WASTE DISPOSAL IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

Without objection, Senator Swindell requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.

Senator Jacumin offers Amendment No. 1 which is adopted (48-0).

The Honorable Marc Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Perdue, who presides.

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.

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H.B. 1523 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE PENALTIES THAT MAY BE ASSESSED FOR VIOLATION OF THE COASTAL AREA MANAGEMENT ACT.

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. 2576, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF ASSIGNMENTS TO THE SPECIAL ASSISTANCE IN-HOME PROGRAM OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.J.R. 2876, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WARREN CLAUDE "PETE" OLDHAM, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Garrou, the joint resolution is read in its entirety and, upon motion of Senator Holloman, the remarks of the members are spread upon the Journal, as follows:

Senator Garrou:

“Thank you, Madame President. It’s a bittersweet day for me to stand and speak in honor of a member of our Forsyth County delegation, another one who died within two weeks of Senator Horton. While many of you did not know him like you knew Senator Horton, many of the same words that were said about Senator Horton could be spoken about Representative Oldham. He was a gentleman, he was a kind, gracious man. He was so courtly in his demeanor and in his expressions. I guess I particularly liked him because he always called me ‘young lady,’ which I certainly find at my age very appealing. But Representative Oldham did a lot in Winston-Salem when he worked at Winston-Salem State to help with the community with race relations and bridging some of the gaps in the community. He really had an outstanding career there and did so much for our community in the area of schools and working with children. He was a civic leader that really made a difference for our community and we are just most grateful for his life. He told me that he planned to retire from the Legislature, that he was concerned about his wife and his wife has alzheimer’s, and I think it was his goal that he would spend the rest of his life taking care of his wife whom he adored – his wife, Gladys. And I know it’s really hard for his family to know that he left her and could not look after and care for her. In fact, he was one of the first people that I really had an opportunity to discuss with the fact that when you fellows leave your wives at home, what a sacrifice they make because certainly that’s something they make. Now some of your wives may not miss you so much but I’m sure that most of them do. And husbands do as well. But Pete Oldham was an outstanding man and I would appreciate your support on this resolution.”

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Senator Dalton:

“Thank you, Madame President. Members of the Senate, Pete Oldham was one of the nicest gentlemen I have ever known. He defined that term. I think the respect he commanded was evidenced by the wonderful remarks made at his funeral service. I got to know Pete pretty well. For four years I was one of the co-chairs of education at the same time Pete was a co-chair on the House side and we spent many long hours talking about the budget but I also had the good fortune of spending about a week with Pete on a study trip studying another educational system and I realized then what a hard worker he was and what expertise he had as an educator, administrator, and as a coach. And the one thing I remember Pete saying, ‘Walter, I do everything well because if I can’t do it well I don’t do it.’ And I think it was an indication of the pride he took in everything that he did. He was a great athlete. He was a great legislator, a great educator and a great administrator. He was an inspiration to many, many people and he fought many battles and he didn’t do it through strength of force. He did it through the power of persuasion. He did it with patience and he did it with persistence in believing in the causes that he championed. So we have lost a very good friend and a wonderful gentleman.”

Senator Brunstetter:

“We did say goodbye to a wonderful Southern gentleman in this Chamber yesterday and Pete Oldham was every bit as much a Southern gentleman as Ham Horton was. Pete Oldham was a community treasure in Winston-Salem and Forsyth County. As a career educator, he touched many lives in a positive way. He was a calming influence in our community in times of trouble. He was a public servant at all times. We’re richer in Forsyth County because of Pete Oldham’s service and we’re richer in North Carolina because of his service to this State. I commend this resolution to you.”

Senator Shaw:

“Thank you, Madame President. Ladies and Gentlemen of the Senate, I got to know Coach Oldham from serving in the House and we would talk from time to time. I played against a lot of the teams that he put on the field. We were in the same conference. I lived in High Point about fifteen miles from Winston-Salem and he had some great teams. The fellows were outstanding athletes as well as students and you could tell the players had such respect for their coaches. I recall playing in the All-Star Game with some of the fellows that were staying in the dorm in Winston and we talked about our coaches and how they admired him and how the coaches had more respect oftentimes than the principals of the school because they were the disciplinarians and they could make the guys behave and they could set the example and he continued to do that and a lot of the fellows I played held him in high esteem. And we talked about some of the things. He was always a quiet man, unassuming man. He was never one to make a spectacle of himself. He wasn’t into dramatics and when he spoke to you he had the voice of reasoning with him. He loved his beautiful wife, Gladys, and Pete is someone that I will always remember. He left us far too

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soon and, as some have already said this week, he's a fine gentleman, an outstanding Southern gentleman, one who lived to the standards he upheld and the cause of decency and honor and family and community. We are going to miss him, Coach Oldham, and we're glad to stand and make these remarks. Thank you."

The joint resolution passes its second reading (48-0) and third reading with members standing and is ordered enrolled.

H.B. 1846 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LOWER THE THRESHOLD FROM ONE HUNDRED DOLLARS TO FIFTY DOLLARS FOR ACCEPTING A POLITICAL CONTRIBUTION IN CASH; TO PROHIBIT THE USE OF BLANK PAYEE CHECKS IN CAMPAIGN CONTRIBUTIONS; TO REQUIRE THE REPORTING OF THE IDENTITY OF A CONTRIBUTOR WHO MAKES A CONTRIBUTION OF MORE THAN FIFTY DOLLARS; TO SPECIFY THE TIME PERIOD BY WHICH THE THRESHOLD FOR IDENTIFYING AN INDIVIDUAL CONTRIBUTOR'S IDENTITY IS MEASURED; TO ADD A PENALTY FOR ACCEPTING CONTRIBUTIONS FROM CERTAIN NONLEGAL SOURCES; TO BAR PROSECUTION IF BEST EFFORTS ARE MADE TO ENSURE THAT A CONTRIBUTION IS FROM A LEGAL SOURCE; AND TO STRENGTHEN POLITICAL COMMITTEE TREASURER TRAINING, as amended on second reading.

Senator Clodfelter offers Amendment No. 2, a perfecting amendment to Amendment No. 1, which was adopted on July 12.

Amendment No. 2 is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its third reading (47-2) and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

S.B. 1566 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS AND TO PROTECT WATER QUALITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, temporarily displaced earlier today.

Senator Clodfelter offers Amendment No. 1 which is adopted (49-0).

The 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.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

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S.B. 2051 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE ENERGY INDEPENDENCE IN NORTH CAROLINA THROUGH: (1) PROMOTION OF THE CONSERVATION OF ENERGY, WATER, AND OTHER UTILITIES IN PUBLIC FACILITIES; (2) PROMOTION OF THE USE OF ALTERNATIVE FUELS AND ADVANCED TECHNOLOGY VEHICLES IN STATE FLEETS; (3) PROVISION OF ENERGY ASSISTANCE TO LOW-INCOME PERSONS; (4) CREATION OF VARIOUS ENERGY-RELATED TAX INCENTIVES; (5) DEVELOPMENT OF A STRATEGIC PLAN FOR DEVELOPMENT OF A BIOFUELS INDUSTRY IN NORTH CAROLINA; AND (6) APPROPRIATION OF FUNDS, 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, 85492, which changes the title to read **S.B. 2051** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE ENERGY, FUEL, AND WATER CONSUMPTION IN THE STATE THROUGH: (1) DEVELOPMENT OF A PLAN TO INCREASE THE AVAILABILITY AND USE OF ALTERNATIVE FUELS IN STATE-OWNED VEHICLE FLEETS; (2) PROVISION OF ENERGY ASSISTANCE TO LOW-INCOME PERSONS; (3) DEVELOPMENT OF A STRATEGIC PLAN TO EXPAND THE BIOFUELS INDUSTRY IN NORTH CAROLINA; AND (4) STUDY MECHANISMS TO IMPROVE ENERGY AND WATER CONSERVATION IN STATE-OWNED FACILITIES, is adopted and engrossed.

Upon motion of Senator Basnight, 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 Monday, July 17, at 7:00 P.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 383 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 17, for concurrence.

S.B. 488 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR SIMPLE ASSAULT OR BATTERY ON A HANDICAPPED PERSON, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 17, for concurrence.

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S.B. 571 (House Committee Substitute), 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 AND ON THE STATE BOARD'S IMPLEMENTATION OF ITS POLICY REGARDING SCHOOL COUNSELORS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 17, for concurrence.

S.B. 837 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RETIRED EMPLOYEES HAVE AT LEAST TWENTY YEARS OF RETIREMENT BENEFIT SERVICE CREDIT IN ORDER TO QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN ON A NONCONTRIBUTORY BASIS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 17, for concurrence.

S.B. 846 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN REGISTER THEIR LICENSES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 17, for concurrence.

S.B. 1289 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE FATALITIES AMONG NEW TEEN DRIVERS BY MAKING THE USE OF A MOBILE PHONE UNLAWFUL FOR A PERSON LESS THAN EIGHTEEN YEARS OF AGE AND WHO HOLDS A PROVISIONAL LICENSE WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA, AS RECOMMENDED BY THE NC CHILD FATALITY TASK FORCE, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Monday, July 17, for concurrence.

S.B. 2012 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE UNEMPLOYMENT TAX CONTRIBUTION RATE OF A BANKRUPT COMPANY WHOSE ASSETS ARE SOLD IN A BANKRUPTCY SALE IS NOT TRANSFERRED TO A COMPANY THAT BUYS THE ASSETS OF THE BANKRUPT COMPANY AND SHARES NO COMMON OWNERSHIP WITH THE BANKRUPT COMPANY, for concurrence in House Amendments No. 1 and No. 2.

The Committee Substitute bill, as amended, is placed on the Calendar for Monday, July 17, for concurrence.

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H.B. 2183, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CAPITAL IMPROVEMENTS RESERVE ACCOUNT AND TO RESERVE ONE-FOURTH OF THE UNRESERVED GENERAL FUND YEAR-END CREDIT BALANCE TO THE ACCOUNT.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 2591, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE BLADEN COUNTY SCHOOLS TO CONVEY PROPERTY.

Referred to the **State & Local Government Committee**.

H.B. 2885 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE FILING PERIOD FOR EMPLOYERS TO PROTEST UNEMPLOYMENT INSURANCE CLAIMS.

Referred to the **Commerce Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 13, 2006

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. 945** (Conference Report), 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.

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 MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

July 13, 2006

House of Representatives
July 13, 2006

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in Senate Amendment No. 1 to **H.B. 1825**, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEPARTMENT OF TRANSPORTATION SECONDARY ROAD CONSTRUCTION FORMULA, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, and requests conferees.

Speaker Black has appointed:

Representative Cole, Chair
Representative Saunders, 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

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 1845, AN ACT TO RESTRICT THE USE OF CONTRIBUTIONS TO CANDIDATES AND CANDIDATES' CAMPAIGN FUNDS TO THOSE RELATED TO CAMPAIGNS AND OFFICE-HOLDING DUTIES; TO PROHIBIT PERSONAL USE OF CONTRIBUTIONS BY CANDIDATES AND CANDIDATE CAMPAIGN COMMITTEES; AND TO STRENGTHEN REPORTING REQUIREMENTS TO PREVENT VIOLATIONS.

H.B. 1963, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO IMPROVE THE COLLECTION AND ADMINISTRATION OF THE MOTOR FUEL TAX, AND TO AUTHORIZE A COUNTY THAT IMPOSES A SALES TAX FOR PUBLIC TRANSPORTATION TO LEVY A VEHICLE RENTAL TAX.

H.B. 2576, AN ACT TO INCREASE THE NUMBER OF ASSIGNMENTS TO THE SPECIAL ASSISTANCE IN-HOME PROGRAM OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

July 13, 2006

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. 2876, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WARREN CLAUDE "PETE" OLDHAM, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 22)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 402 (House Committee Substitute), 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, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 17, for concurrence.

S.B. 1351 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MORVEN TOWN COUNCIL AND FOUR-YEAR TERMS FOR THE MAYOR OF THE TOWN OF MORVEN, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 17, for concurrence.

S.B. 1428 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, AND TO ALLOW AN ADVISORY REFERENDUM IN THE TOWN OF CLAYTON, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on the Calendar for Monday, July 17, for concurrence.

S.B. 1442 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LOCAL MODIFICATIONS OF G.S. 153A-335 PERTAINING TO THE REGULATION OF SUBDIVISIONS IN RUTHERFORD COUNTY AND THEREBY SUBJECTING THE COUNTY TO FULL APPLICATION OF THE GENERAL LAW, AND TO PROVIDE FOR A STUDY ON THE USE OF CLEAR PROCEEDS IN A MANNER THAT WILL ALLOW FOR THE CONTINUATION OF THE USE OF TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS BY LOCAL GOVERNMENTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 17, for concurrence.

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S.B. 1841 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CIVIL SERVICE BOARD, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 17, for concurrence.

H.B. 2164, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 2402 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW FAIR HOUSING ORGANIZATIONS TO FILE COMPLAINTS WITH THE DURHAM HUMAN RELATIONS COMMISSION.

Referred to the **State & Local Government Committee**.

H.B. 2468, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CLARKTON TO REGULATE GOLF CARTS.

Referred to the **State & Local Government Committee**.

H.B. 2688 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE BEACH AND THE CITY OF HENDERSONVILLE.

Referred to the **State & Local Government Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:48 P.M.

ONE HUNDRED SIXTY-EIGHTH DAY

Senate Chamber
Monday, July 17, 2006

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:

"After the sermon, the young preacher stood at the front door of the church shaking hands with parishioners. An elderly gentleman walked by and said, 'Young man, that was a pretty fair sermon, but you missed three excellent

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opportunities to end it.' In the important decisions before us this week, O God, help us to know whether to make another sermon point or to offer with grace a closing prayer. Amen."

The Chair grants a leave of absence for today to Senator Clodfelter and Senator Garrou.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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 Chair extends the privileges of the floor to Dr. Gerald Maccioli from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

CALENDAR

Bills and a resolution on tonight's Calendar are taken up and disposed of, as follows:

S.B. 1351 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MORVEN TOWN COUNCIL AND FOUR-YEAR TERMS FOR THE MAYOR OF THE TOWN OF MORVEN, for concurrence.

Upon motion of Senator Purcell, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 18.

S.B. 846 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN REGISTER THEIR LICENSES, for concurrence.

Upon motion of Senator Swindell, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 18.

H.B. 2339 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CASWELL, DAVIE, AND LINCOLN COUNTIES TO REQUIRE THAT ALL TAXES BE PAID ON REAL PROPERTY BEFORE THE REGISTER OF DEEDS MAY RECORD A DEED TRANSFERRING THAT PROPERTY AND BEFORE A BUILDING PERMIT MAY BE ISSUED WITH RESPECT TO THAT PROPERTY, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East,

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Forrester, 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, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No.1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 862, AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF KOREA AND VIETNAM.

H.B. 1847, AN ACT TO STRENGTHEN REGULATION OF ELECTIONEERING COMMUNICATIONS IN NORTH CAROLINA.

H.B. 2208, AN ACT TO REPEAL THE REQUIREMENT THAT CERTAIN STATUTORY CRITERIA RELATED TO GRANTS FROM THE CLEAN WATER MANAGEMENT TRUST FUND FOR WASTEWATER AND STORMWATER COLLECTION AND TREATMENT PROJECTS HAVE PRIORITY OVER CRITERIA ESTABLISHED BY THE BOARD OF TRUSTEES OF THE CLEAN WATER MANAGEMENT TRUST FUND, TO CLARIFY THE AUTHORITY OF THE BOARD OF TRUSTEES WITH RESPECT TO MATCH REQUIREMENTS IN CONNECTION WITH GRANT AWARDS, AND TO ESTABLISH TERM LIMITS FOR THE BOARD OF TRUSTEES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1444, AN ACT TO INCREASE THE SIZE OF THE ROCKINGHAM COUNTY AIRPORT AUTHORITY AND PROVIDE FOR THREE-YEAR TERMS FOR ALL BOARD MEMBERS.

H.B. 945, 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.

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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. 1277, AN ACT TO ESTABLISH THE NORTH CAROLINA NEW ORGANIZATIONAL VISION AWARD SPECIAL LICENSURE DESIGNATION, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING. (Became law upon approval of the Governor, July 13, 2006 - S.L. 2006-104.)

S.B. 615, AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CORRECTIONS AND CLARIFICATIONS TO THE INSURANCE LAW AND TO AMEND THE INSURANCE HOLDING COMPANY ACT AND A RELATED STATUTE TO STRENGTHEN THE SOLVENCY OF NORTH CAROLINA INCORPORATED INSURERS. (Became law upon approval of the Governor, July 13, 2006 - S.L. 2006-105.)

S.B. 1451, AN ACT TO ENFORCE COLLECTION OF PROPERTY TAXES ON REAL PROPERTY AGAINST THE RECORD OWNER AS OF THE DATE THE TAXES BECOME DELINQUENT, TO CODIFY THE PRORATION OF TAXES ON REAL PROPERTY, TO REQUIRE A TAX COLLECTOR TO TAKE REASONABLE ADDITIONAL STEPS TO NOTIFY A PROPERTY OWNER OF A TAX SALE UNLESS THE TAX COLLECTOR HAS AFFIRMATIVE KNOWLEDGE THAT THE MAILED NOTICE REACHED THE RECIPIENT, TO AMEND THE DEFINITION OF INVENTORIES TO INCLUDE DISPLAY MODULAR HOMES, AND TO STUDY THE VALUATION OF PROPERTY AT ITS PRESENT-USE VALUE FOR PROPERTY TAX PURPOSES. (Became law upon approval of the Governor, July 13, 2006 - S.L. 2006-106.)

S.B. 1378, AN ACT TO AMEND THE LAW RELATING TO THE FORFEITURE OF PROPERTY RIGHTS BY SLAYERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 13, 2006 - S.L. 2006-107.)

S.B. 1278, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ENSURE AWARENESS OF ADULT DAY HEALTH SERVICES AND TO PROVIDE A STATUS REPORT ON CHANGES IMPLEMENTED AS A RESULT OF THE ADULT DAY SERVICES STUDY, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING. (Became law upon approval of the Governor, July 13, 2006 - S.L. 2006-108.)

S.B. 1276, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW THE CAP/DA PROGRAM IN RESPONSE

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TO ISSUES IDENTIFIED IN THE MEDICAID INSTITUTIONAL BIAS STUDY, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING. (Became law upon approval of the Governor, July 13, 2006 - S.L. 2006-109.)

S.B. 1279, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COLLABORATE WITH PROVIDERS AND ADVOCATES OF HOME AND COMMUNITY-BASED SERVICES TO REVIEW AND MAKE RECOMMENDATIONS ADDRESSING BIASES IDENTIFIED IN THE NORTH CAROLINA INSTITUTIONAL BIAS STUDY REPORT, AS RECOMMENDED BY THE STUDY COMMISSION ON AGING. (Became law upon approval of the Governor, July 13, 2006 - S.L. 2006-110.)

S.B. 1857, AN ACT TO AMEND THE LAW GRANTING STATE RECOGNITION TO THE HALIWA-SAPONI TRIBE OF NORTH CAROLINA. (Became law upon approval of the Governor, July 13, 2006 - S.L. 2006-111.)

S.B. 1555, AN ACT TO ENACT REVISED ARTICLE 1 OF THE UNIFORM COMMERCIAL CODE CONTAINING GENERAL PROVISIONS APPLICABLE TO THE ENTIRE CODE, TO MAKE CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, TO ENACT REVISED ARTICLE 7 OF THE UNIFORM COMMERCIAL CODE RELATING TO WAREHOUSE RECEIPTS AND BILLS OF LADING, TO MAKE CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, AND TO REPEAL OBSOLETE CRIMINAL PROVISIONS OF THE FORMER UNIFORM WAREHOUSE RECEIPTS ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 13, 2006 - S.L. 2006-112.)

H.B. 2098, AN ACT TO AMEND THE LAW RELATING TO THE PROTECTION OF ANIMALS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 13, 2006 - S.L. 2006-113.)

H.B. 2174, AN ACT TO RAISE THE MINIMUM WAGE IN NORTH CAROLINA. (Became law upon approval of the Governor, July 13, 2006 - S.L. 2006-114.)

S.B. 1928, AN ACT AUTHORIZING THE TOWN OF CLAYTON AND THE CITY OF REIDSVILLE TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT. (Became law upon ratification, July 13, 2006 - S.L. 2006-115.)

H.B. 845, AN ACT TO ADD GASTON, SURRY, AND WILKES COUNTIES, AND THE TOWNS OF OCEAN ISLE BEACH AND SURF CITY, TO THE AREAS IN WHICH LAW ENFORCEMENT OFFICERS AND EMPLOYEES

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MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND TO ALLOW THE CITY OF WHITEVILLE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS. (Became law upon ratification, July 13, 2006 - S.L. 2006-116.)

H.B. 2223, AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM. (Became law upon ratification, July 13, 2006 - S.L. 2006-117.)

H.B. 2259, AN ACT TO AUTHORIZE THE TOWNS OF ELKIN, PILOT MOUNTAIN, AND DOBSON TO LEVY A SIX PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, July 13, 2006 - S.L. 2006-118.)

CALENDAR *(continued)*

H.B. 2027 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF BENSON, CASWELL BEACH, AND TABOR CITY TO REGULATE GOLF CARTS.

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. 2653, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN ALAMANCE COUNTY.

The bill passes its second (48-0) and third readings and is ordered enrolled.

S.B. 383 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND, for concurrence.

The Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled.

S.B. 1428 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, AND TO ALLOW AN ADVISORY REFERENDUM IN THE TOWN OF CLAYTON, for concurrence in House Amendment No. 1.

Upon motion of Senator Soles, the Senate concurs in House Amendment No. 1 (48-0) and the bill is ordered enrolled.

S.B. 1841 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CIVIL SERVICE BOARD, for concurrence.

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Upon motion of Senator Graham, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled.

S.B. 2051 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE ENERGY, FUEL, AND WATER CONSUMPTION IN THE STATE THROUGH: (1) DEVELOPMENT OF A PLAN TO INCREASE THE AVAILABILITY AND USE OF ALTERNATIVE FUELS IN STATE-OWNED VEHICLE FLEETS; (2) PROVISION OF ENERGY ASSISTANCE TO LOW-INCOME PERSONS; (3) DEVELOPMENT OF A STRATEGIC PLAN TO EXPAND THE BIOFUELS INDUSTRY IN NORTH CAROLINA; AND (4) STUDY MECHANISMS TO IMPROVE ENERGY AND WATER CONSERVATION IN STATE-OWNED FACILITIES.

Senator Atwater offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill No. 2, as amended, 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, Bland, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, 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, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for tomorrow, Tuesday, July 18, upon third reading.

RECONSIDERATION

H.B. 2027 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF BENSON, CASWELL BEACH, AND TABOR CITY TO REGULATE GOLF CARTS.

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.

Senator Soles offers Amendment No. 1 which is adopted (48-0), and changes the title to read **H.B. 2027** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF BENSON, CASWELL BEACH, CHADBOURN, AND TABOR CITY TO REGULATE GOLF CARTS.

The Senate Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

CALENDAR *(continued)*

H.B. 1024 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT

July 17, 2006

A PILOT PROGRAM IN WHICH THE INSTANT RUNOFF METHOD OF VOTING WOULD BE USED IN LOCAL ELECTIONS; TO SET THE DATE OF FUTURE SECOND PRIMARIES AT SEVEN WEEKS AFTER THE FIRST PRIMARY; TO REVISE THE MUNICIPAL ELECTION SCHEDULE TO PROVIDE MORE TIME FOR ABSENTEE VOTING AND ELECTION ADMINISTRATION; TO CONFORM NORTH CAROLINA ABSENTEE VOTING LAW TO THE U.S. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT; TO ALLOW THE BOARDS OF ELECTIONS TO KEEP CONFIDENTIAL THE IDENTITY OF VOTING UNITS USED IN HAND SAMPLE COUNTS UNTIL THE COUNTY CANVASS; TO PROVIDE FOR FILLING MID-ELECTION-YEAR JUDICIAL VACANCIES; AND TO FURTHER AMEND THE LAW CONCERNING JUDICIAL CANDIDACIES.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 18, upon third reading.

H.B. 1896 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (5) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (6) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; AND (7) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS.

Upon motion of Senator Rand, the Senate Committee Substitute bill No. 2 is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

H.B. 1891 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND SIMPLIFY THE APPLICATION OF THE ADDITIONAL GROSS PREMIUMS TAXES ON FIRE AND LIGHTNING COVERAGE AND TO MAKE TECHNICAL AND CLARIFYING TAX LAW CHANGES, 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, Bland, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, 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, Tillman, Webster and Weinstein—48.

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Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, July 18, upon third reading.

H.B. 2873 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERMITTING AND INSPECTION OF NEW PRIVATE DRINKING WATER WELLS AND TO REQUIRE WATER QUALITY TESTING OF PRIVATE DRINKING WATER WELLS.

Senator Jacumin offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 34, noes 13, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Berger of Franklin, Bingham, Bland, Boseman, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, Garwood, Graham, Hagan, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—34.

Voting in the negative: Senators Apodaca, Basnight, Berger of Rockingham, Blake, Brock, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Presnell and Webster—13.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for tomorrow, Tuesday, July 18, upon third reading.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Holloman for the **State & Local Government Committee**:

H.B. 2402 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW FAIR HOUSING ORGANIZATIONS TO FILE COMPLAINTS WITH THE DURHAM HUMAN RELATIONS COMMISSION, with a favorable report.

H.B. 2468, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CLARKTON TO REGULATE GOLF CARTS, with a favorable report.

Upon motion of Senator Holloman, the bill is re-referred to the **Finance Committee**.

H.B. 2591, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE BLADEN COUNTY SCHOOLS TO CONVEY PROPERTY, with a favorable report.

H.B. 2688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE BEACH AND THE CITY OF HENDERSONVILLE, 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 70806, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on tonight's Calendar.

CALENDAR (*continued*)

S.B. 402 (House Committee Substitute), 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, for concurrence.

Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, July 18, for concurrence, upon third reading.

S.B. 488 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR SIMPLE ASSAULT OR BATTERY ON A HANDICAPPED PERSON, for concurrence.

Upon motion of Senator Dannelly, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 571 (House Committee Substitute), 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 AND ON THE STATE BOARD'S IMPLEMENTATION OF ITS POLICY REGARDING SCHOOL COUNSELORS, for concurrence.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 837 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RETIRED EMPLOYEES HAVE AT LEAST

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TWENTY YEARS OF RETIREMENT BENEFIT SERVICE CREDIT IN ORDER TO QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN ON A NONCONTRIBUTORY BASIS, for concurrence.

Upon motion of Senator Kerr, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1289 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE FATALITIES AMONG NEW TEEN DRIVERS BY MAKING THE USE OF A MOBILE PHONE UNLAWFUL FOR A PERSON LESS THAN EIGHTEEN YEARS OF AGE AND WHO HOLDS A PROVISIONAL LICENSE WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA, AS RECOMMENDED BY THE NC CHILD FATALITY TASK FORCE, for concurrence.

Upon motion of Senator Bingham, the Senate concurs in the House Committee Substitute bill No. 2 (41-6) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1442 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LOCAL MODIFICATIONS OF G.S. 153A-335 PERTAINING TO THE REGULATION OF SUBDIVISIONS IN RUTHERFORD COUNTY AND THEREBY SUBJECTING THE COUNTY TO FULL APPLICATION OF THE GENERAL LAW, AND TO PROVIDE FOR A STUDY ON THE USE OF CLEAR PROCEEDS IN A MANNER THAT WILL ALLOW FOR THE CONTINUATION OF THE USE OF TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS BY LOCAL GOVERNMENTS, for concurrence.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 18.

S.B. 2012 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE UNEMPLOYMENT TAX CONTRIBUTION RATE OF A BANKRUPT COMPANY WHOSE ASSETS ARE SOLD IN A BANKRUPTCY SALE IS NOT TRANSFERRED TO A COMPANY THAT BUYS THE ASSETS OF THE BANKRUPT COMPANY AND SHARES NO COMMON OWNERSHIP WITH THE BANKRUPT COMPANY, for concurrence in House Amendments No. 1 and No. 2.

Upon motion of Senator Bingham, the Senate fails to concur in House Amendments No. 1 and No. 2 (0-48).

Senator Bingham 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.

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S.R. 2065, A SENATE RESOLUTION ELECTING LAURA W. BUFFALOE, ED.D. TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, for adoption.

The Senate Resolution is adopted (47-0).

H.B. 2688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE BEACH AND THE CITY OF HENDERSONVILLE, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1825, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEPARTMENT OF TRANSPORTATION SECONDARY ROAD CONSTRUCTION FORMULA, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, as amended.

Pursuant to the message from the House of Representatives received Thursday, July 13, that the House fails to concur in Senate Amendment No. 1 for H.B. 1825 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Jenkins, Chair; Senator Berger of Rockingham; Senator Hoyle; 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.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES OF VARIOUS CITIES AND TOWNS TO USE ALL-TERRAIN VEHICLES ON THE PUBLIC STREETS AND HIGHWAYS IN THOSE CITIES AND TOWNS, AND AFFECTING ABANDONED AND JUNKED VEHICLES IN CERTAIN CITIES AND TOWNS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1199 on July 11 and the motion by Senator Garwood to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Garwood, Chair, Senator Dalton and Senator Hoyle as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

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Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Tuesday, July 18, 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
July 17, 2006

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. 2445**, A BILL TO BE ENTITLED AN ACT TO AMEND THE OCCUPANCY TAX IN HALIFAX COUNTY, and requests conferees.

Speaker Black has appointed:

Representative L. Allen, Chair
Representative Ed Jones, and
Representative Hunter

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:

H.B. 2170 (Committee Substitute No. 2), 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.

Referred to the **Finance Committee**.

S.B. 1621 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL SPECIAL INDEBTEDNESS FOR THE

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CONSTRUCTION OF UP TO FIVE YOUTH DEVELOPMENT CENTERS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR THE PURCHASE OF STATE GAME LANDS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR A PARKING FACILITY IN DOWNTOWN RALEIGH; AND TO EXEMPT SALES OF TIMBER FROM THE SERVICE CHARGE IMPOSED BY THE DEPARTMENT OF ADMINISTRATION, for concurrence in the House Committee Substitute bill.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:16 P.M.

ONE HUNDRED SIXTY-NINTH DAY

Senate Chamber
Tuesday, July 18, 2006

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, it's hot. A 100-degree day in the State Capital might give us reason to be uncomfortable, even maybe just a little ornery. But remind us that when it's 100 degrees outside, swimming in the great Atlantic on a North Carolina beach or in a cool Piedmont or mountain lake or even drinking an ice cold glass of North Carolina sweet tea is all that much more pleasurable. We do live in 'the goodliest land.' Thank you for your blessings upon our State. Amen"

The Chair grants leaves of absence for today to Senator Garrou and Senator Holloman.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, July 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends the privileges of the floor to Dr. Ramanathan Prakash from Concord, 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:

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S.B. 1351 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MORVEN TOWN COUNCIL AND FOUR-YEAR TERMS FOR THE MAYOR OF THE TOWN OF MORVEN.

Upon motion of Senator Purcell, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 19.

H.B. 2402 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW FAIR HOUSING ORGANIZATIONS TO FILE COMPLAINTS WITH THE DURHAM HUMAN RELATIONS COMMISSION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 2591, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE BLADEN COUNTY SCHOOLS TO CONVEY PROPERTY.

The bill passes its second (48-0) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 2894, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE NORTH CAROLINA CONSUMER FINANCE ACT TO VARIOUS LENDING SUBTERFUGES, 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 60866, is adopted and engrossed.

By Senator Dalton for the **Appropriations/Base Budget Committee**:

S.B. 807, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BETTER OVERSIGHT AND COORDINATION OF ECONOMIC DEVELOPMENT INITIATIVES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75567, which changes the title to read **S.B. 807** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE AND TO REQUIRE A PERFORMANCE AUDIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, is adopted and engrossed.

H.B. 914 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECODIFY MANY OF THE PROVISIONS OF THE EXECUTIVE BUDGET

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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, 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 60871, which changes the title upon concurrence to read **H.B. 914** (Senate 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, TO MAKE CONFORMING CHANGES, AND TO REPEAL VARIOUS STATUTES AND SESSION LAWS, is adopted and engrossed.

H.B. 2212 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE LOTTERY OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE LOTTERY COMMISSION TO SEND REPORTS TO THAT COMMITTEE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70808, which changes the title upon concurrence to read **H.B. 2212** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOTTERY OVERSIGHT COMMITTEE, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 2051 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE ENERGY, FUEL, AND WATER CONSUMPTION IN THE STATE THROUGH: (1) DEVELOPMENT OF A PLAN TO INCREASE THE AVAILABILITY AND USE OF ALTERNATIVE FUELS IN STATE-OWNED VEHICLE FLEETS; (2) PROVISION OF ENERGY ASSISTANCE TO LOW-INCOME PERSONS; (3) DEVELOPMENT OF A STRATEGIC PLAN TO EXPAND THE BIOFUELS INDUSTRY IN NORTH CAROLINA; AND (4) STUDY MECHANISMS TO IMPROVE ENERGY AND WATER CONSERVATION IN STATE-OWNED FACILITIES, as amended on second reading, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaid, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—48.

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Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives by special message.

H.B. 1891 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND SIMPLIFY THE APPLICATION OF THE ADDITIONAL GROSS PREMIUMS TAXES ON FIRE AND LIGHTNING COVERAGE AND TO MAKE TECHNICAL AND CLARIFYING TAX LAW CHANGES, 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, 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. 2873 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERMITTING AND INSPECTION OF NEW PRIVATE DRINKING WATER WELLS AND TO REQUIRE WATER QUALITY TESTING OF PRIVATE DRINKING WATER WELLS, as amended on second reading, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 29, noes 19, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Berger of Franklin, Bingham, Bland, Boseman, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Hagan, Hartsell, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Soles, Stevens, Swindell and Weinstein—29.

Voting in the negative: Senators Apodaca, Basnight, Berger of Rockingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Graham, Hoyle, Hunt, Jacumin, Pittenger, Presnell, Snow, Tillman and Webster—19.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

H.B. 1024 (Senate 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; TO SET THE DATE OF FUTURE SECOND PRIMARIES AT SEVEN WEEKS AFTER THE FIRST PRIMARY; TO REVISE THE MUNICIPAL ELECTION

SCHEDULE TO PROVIDE MORE TIME FOR ABSENTEE VOTING AND ELECTION ADMINISTRATION; TO CONFORM NORTH CAROLINA ABSENTEE VOTING LAW TO THE U.S. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT; TO ALLOW THE BOARDS OF ELECTIONS TO KEEP CONFIDENTIAL THE IDENTITY OF VOTING UNITS USED IN HAND SAMPLE COUNTS UNTIL THE COUNTY CANVASS; TO PROVIDE FOR FILLING MID-ELECTION-YEAR JUDICIAL VACANCIES; AND TO FURTHER AMEND THE LAW CONCERNING JUDICIAL CANDIDACIES.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 19.

S.B. 402 (House Committee Substitute), 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, for concurrence upon third reading.

Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

S.B. 846 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN REGISTER THEIR LICENSES, for concurrence.

Without objection, Senator Apodaca requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1442 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LOCAL MODIFICATIONS OF G.S. 153A-335 PERTAINING TO THE REGULATION OF SUBDIVISIONS IN RUTHERFORD COUNTY AND THEREBY SUBJECTING THE COUNTY TO FULL APPLICATION OF

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THE GENERAL LAW, AND TO PROVIDE FOR A STUDY ON THE USE OF CLEAR PROCEEDS IN A MANNER THAT WILL ALLOW FOR THE CONTINUATION OF THE USE OF TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS BY LOCAL GOVERNMENTS, for concurrence.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (46-2) and the bill is ordered enrolled and sent to the Governor by special message.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 2012 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE UNEMPLOYMENT TAX CONTRIBUTION RATE OF A BANKRUPT COMPANY WHOSE ASSETS ARE SOLD IN A BANKRUPTCY SALE IS NOT TRANSFERRED TO A COMPANY THAT BUYS THE ASSETS OF THE BANKRUPT COMPANY AND SHARES NO COMMON OWNERSHIP WITH THE BANKRUPT COMPANY.

Pursuant to the Senate having failed to concur in House Amendment No. 1, for S.B. 2012 on Monday, July 17, and the motion by Senator Bingham to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Bingham, Chair, 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.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 143 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRI-TOURISM ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS.

Pursuant to the message from the House of Representatives received Tuesday, July 11, that the House fails to concur in the Senate Committee Substitute bill for H.B. 143 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chair, Senator Albertson 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.

APPOINTMENT OF ADDITIONAL CONFEREE

H.B. 1825, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEPARTMENT OF TRANSPORTATION SECONDARY ROAD CONSTRUCTION FORMULA, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Senator Dannelly, Deputy President *Pro Tempore*, announces that Senator Berger of Rockingham is removed as a conferee and Senator Apodaca is appointed on the part of the Senate to resolve the differences arising between the

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two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Katherine Merritt Anderson, Gastonia; Darius Atkinson, Raleigh; Danielle Best, Fayetteville; Elizabeth Ann Biggerstaff, Gastonia; Chelsea Nicole Davis, Gastonia; Allison Ellis, Gastonia; Tiffany Ezuma, Raleigh; Brittani Ezuma, Raleigh; Ashley Graham, Gastonia; Samuel Grant Gross, Raleigh; Virginia A. Gustafson, Raleigh; Murphy Hall, Albemarle; Austin M. Johnson, Cary; Vernon E. King, Asheboro; Amanda Catherine Long, Raleigh; William Skylar Marshall, Garner; Michael Mazzoleni, Raleigh; Matthew McChargue, Garner; Terron McDougald, Fayetteville; Karitha McDowell, Gastonia; J'Leighsa Moore, Fayetteville; Natalie Marie Moss, Gastonia; Brianna L. Oliver, Drexel; Ashlyn E. Reaves, Fuquay Varina; Brittany Ashton Samples, Norwood; Sarah Senter, Browns Summit; Kara Simpson, Gastonia; Ruth Small, Greensboro; Delisha H. Smith, Raleigh; Sarah G. Stroud, Wake Forest; Grace Morgan Taylor, Chapel Hill; Terrell White, Gastonia and Jason Tyler Williams, Clayton.

Upon motion of Senator Dannelly, seconded by Senator Rand, the Senate adjourns subject to reading of messages from the House of Representatives, receipt of conference reports and committee reports, appointment of conferees, ratification of bills, and reading of executive orders to meet tomorrow, Wednesday, July 19, at 1:00 P.M.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 488, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR SIMPLE ASSAULT OR BATTERY ON A HANDICAPPED PERSON.

S.B. 571, 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 AND ON THE STATE BOARD'S IMPLEMENTATION OF ITS POLICY REGARDING SCHOOL COUNSELORS.

S.B. 837, AN ACT TO REQUIRE THAT RETIRED EMPLOYEES HAVE AT LEAST TWENTY YEARS OF RETIREMENT BENEFIT SERVICE CREDIT IN ORDER TO QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN ON A NONCONTRIBUTORY BASIS.

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S.B. 1187, AN ACT TO SPECIFY THE TRYON PALACE HISTORIC SITES AND GARDENS FUND AS A SPECIAL, INTEREST-BEARING TRUST FUND.

S.B. 1289, AN ACT TO REDUCE FATALITIES AMONG NEW TEEN DRIVERS BY MAKING THE USE OF A MOBILE PHONE UNLAWFUL FOR A PERSON LESS THAN EIGHTEEN YEARS OF AGE AND WHO HOLDS A PROVISIONAL LICENSE WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA, AS RECOMMENDED BY THE NC CHILD FATALITY TASK FORCE.

S.B. 2009, AN ACT TO ALLOW CAPITAL LEASE FINANCING FOR PUBLIC SCHOOLS.

H.B. 853, AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE FOR PERIODS OF SERVICE UNDER THE OPTIONAL RETIREMENT PROGRAM FOR STATE INSTITUTIONS OF HIGHER EDUCATION AND TO INCLUDE THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS WITHIN THE OPTIONAL RETIREMENT PROGRAM FOR THE UNIVERSITY OF NORTH CAROLINA.

H.B. 1120, 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.

H.B. 1248, AN ACT AMENDING THE IDENTITY THEFT PROTECTION ACT OF 2005.

H.B. 1327, 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.

H.B. 2060, AN ACT TO MAKE CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO MAKE OTHER CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 383, AN ACT TO AMEND THE LAW ESTABLISHING THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND.

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S.B. 1428, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, AND TO ALLOW AN ADVISORY REFERENDUM IN THE TOWN OF CLAYTON.

S.B. 1666, AN ACT AUTHORIZING THE TOWN OF SUNSET BEACH TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF CONSTRUCTING SEWAGE COLLECTION AND TREATMENT FACILITIES PRIOR TO THE CONSTRUCTION OF THE FACILITIES.

S.B. 1841, AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CIVIL SERVICE BOARD.

H.B. 2653, AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN ALAMANCE COUNTY.

H.B. 2688, AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE BEACH AND THE CITY OF HENDERSONVILLE.

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. 1444, AN ACT TO INCREASE THE SIZE OF THE ROCKINGHAM COUNTY AIRPORT AUTHORITY AND PROVIDE FOR THREE-YEAR TERMS FOR ALL BOARD MEMBERS. (Became law upon ratification, July 17, 2006 - S.L. 2006-119.)

H.B. 945, 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. (Became law upon ratification, July 17, 2006 - S.L. 2006-120.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 729 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT NEW MOTOR VEHICLE DEALERS FROM THE USED MOTOR VEHICLE DEALERS' COURSE REQUIREMENTS, for concurrence in the House Committee Substitute bill.

Referred to the **Commerce Committee**.

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S.B. 948 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE BOATING SAFETY AND VESSEL TITLING LAW, for concurrence in House Amendment No. 1.

Referred to the **Judiciary II Committee** and upon a favorable report re-referred to **Finance Committee**.

S.B. 1587 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS IN CERTAIN CIRCUMSTANCES; (4) PROVIDE THAT A PERSON WHO MANUFACTURES, INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; (5) DELAY BY ONE YEAR THE EFFECTIVE DATE OF CERTAIN PROVISIONS OF S.L. 2005-384, AN ACT TO REQUIRE THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES; (5.1) PROVIDE THAT SEPTAGE GENERATED BY THE OPERATION OF A WASTEWATER FACILITY PERMITTED UNDER ARTICLE 11 OF CHAPTER 130A OF THE GENERAL STATUTES MAY BE MANAGED AS PROVIDED BY G.S. 130A-291.1; (5.2) ESTABLISH THE EMERGENCY DRINKING WATER FUND; (5.3) PROVIDE, ON A TEMPORARY BASIS, THAT DONATIONS OF REAL PROPERTY TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES THAT SERVE AS ALTERNATIVES TO MAINTENANCE OF RIPARIAN BUFFERS ARE LIMITED TO A PROPERTY THAT IS LOCATED IN THE SAME RIVER BASIN AS THE RIPARIAN BUFFER THAT IS LOST BUT ARE NOT LIMITED TO A PROPERTY THAT IS LOCATED ON THE SAME STREAM AS THE RIPARIAN BUFFER THAT IS LOST; (5.4) MODIFY THE METHOD BY WHICH BASELINE EMISSIONS ARE DETERMINED FOR CERTAIN COAL-FIRED ELECTRIC GENERATING UNITS; (6) REMOVE DEER AND ELK FROM THE DEFINITION OF LIVESTOCK; (7) CLARIFY THAT THE FOR HIRE BLANKET COASTAL RECREATIONAL FISHING LICENSE IS ISSUED FOR THE FOR HIRE BOAT; (8) CLARIFY THAT SPECIAL LANDHOLDER AND GUEST FISHING LICENSES ONLY APPLY WHEN THE GUESTS ARE NONPAYING; (9) INCREASE THE TYPES OF LICENSES THAT THE WILDLIFE RESOURCES COMMISSION MAY ESTABLISH AS PERSONALIZED LICENSES; (10) CLARIFY THAT THE LIFETIME UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE IS A RESIDENT-ONLY LICENSE; (11) PROVIDE FOR THE CONFIDENTIALITY OF

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INFORMATION OBTAINED BY THE WILDLIFE RESOURCES COMMISSION, THE MARINE FISHERIES COMMISSION, AND THE DIVISION OF MARINE FISHERIES; (12) AUTHORIZE THE MARINE FISHERIES COMMISSION TO EXEMPT CERTAIN ORGANIZED FISHING EVENTS FROM LICENSE REQUIREMENTS; AND (13) CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 19, for concurrence.

S.B. 1862 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TEMPORARILY: (1) SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS FOR NITROGEN, (2) REQUIRE THAT NUTRIENT OFFSET PAYMENTS BE CALCULATED AS THEY WERE PRIOR TO CERTAIN RULE AMENDMENTS, AND (3) PROVIDE THAT THERE SHALL BE NO NUTRIENT OFFSET PROGRAM FOR PHOSPHORUS AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENT PROGRAM, for concurrence in the House Committee Substitute bill.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

S.B. 2010 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE OF AN AIRCRAFT AND TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES, for concurrence in the House Committee Substitute bill.

Referred to the **Finance Committee**.

H.B. 1827 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL CONTRACTOR'S LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO CLARIFY A GENERAL CONTRACTING EXCEPTION.

Referred to the **Commerce Committee**.

H.B. 1860 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ESTABLISH AND APPOINT A STROKE ADVISORY COUNCIL.

Referred to the **Health Care Committee**.

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H.B. 2818 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXEMPTION FROM THE SALES AND USE TAX ON CERTAIN SALES OF MOTORIZED ALL-TERRAIN VEHICLES.

Referred to the **Finance Committee**.

EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows (*See Appendix.*):

Executive Order Number 104, Amending Executive Order Number 56, North Carolina Interagency Council for Coordinating Homeless Programs.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 2885 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE FILING PERIOD FOR EMPLOYERS TO PROTEST UNEMPLOYMENT INSURANCE CLAIMS, with a favorable report.

H.B. 2882, A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO EXTEND THE PERIOD IN WHICH A LICENSE REMAINS IN EFFECT AFTER A PERSON LICENSED ON BEHALF OF A FIRM OR CORPORATION CEASES TO BE ASSOCIATED WITH THAT FIRM OR CORPORATION, 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 50776, which changes the title upon concurrence to read **H.B. 2882** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO EXTEND THE PERIOD IN WHICH A LICENSE REMAINS IN EFFECT AFTER A PERSON LICENSED ON BEHALF OF A FIRM OR CORPORATION CEASES TO BE ASSOCIATED WITH THAT FIRM OR CORPORATION, AND CLARIFYING A GENERAL CONTRACTING EXCEPTION, is adopted and engrossed.

By Senator Bingham for the **Health Care Committee**:

H.B. 2037 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MEDICAID REIMBURSEMENTS FOR OCULAR PROSTHETISTS, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

July 18, 2006

House of Representatives
July 18, 2006

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. 1522**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE PORTS AUTHORITY ENABLING LEGISLATION.

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 18, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1199**, A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES OF VARIOUS CITIES AND TOWNS TO USE ALL-TERRAIN VEHICLES ON THE PUBLIC STREETS AND HIGHWAYS IN THOSE CITIES AND TOWNS, AND AFFECTING ABANDONED AND JUNKED VEHICLES IN CERTAIN CITIES AND TOWNS, and requests conferees, Speaker Black appoints:

Representative Tucker, Chair
Representative Spear, and
Representative Gibson

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

July 18, 2006

House of Representatives
July 18, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Amendments No. 1 and 2 to **S.B. 2012** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE UNEMPLOYMENT TAX CONTRIBUTION RATE OF A BANKRUPT COMPANY WHOSE ASSETS ARE SOLD IN A BANKRUPTCY SALE IS NOT TRANSFERRED TO A COMPANY THAT BUYS THE ASSETS OF THE BANKRUPT COMPANY AND SHARES NO COMMON OWNERSHIP WITH THE BANKRUPT COMPANY, and requests conferees, Speaker Black appoints:

Representative Glazier, Chair
Representative Weiss, and
Representative Ray

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

H.B. 2699 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE VISION CARE 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 10650, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1843 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LEGISLATIVE ETHICS ACT AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL REFORM, 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 80685, which changes the title upon concurrence to read **H.B. 1843** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES, TO AMEND THE LOBBYING LAWS, AND TO MAKE CONFORMING CHANGES, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 5:01 P.M.

ONE HUNDRED SEVENTIETH DAY

Senate Chamber
Wednesday, July 19, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, though we pray to you at the beginning of each day's session, most would say there is no official theological overlay that guides what is accomplished here in the Senate. Or is there? Saint Francis of Assisi says that when God is present we start with the necessary, move on to the possible, and suddenly we are doing the impossible, Amen."

The Chair grants leaves of absence for today to Senator Garrou and Senator Holloman.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, July 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends the privileges of the floor to Dr. Walter Wright from Kinston, North Carolina, who is serving the Senate as Doctor of the Day.

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ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 402, 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.

S.B. 846, AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN REGISTER THEIR LICENSES.

S.B. 1442, AN ACT TO REPEAL THE LOCAL MODIFICATIONS OF G.S. 153A-335 PERTAINING TO THE REGULATION OF SUBDIVISIONS IN RUTHERFORD COUNTY AND THEREBY SUBJECTING THE COUNTY TO FULL APPLICATION OF THE GENERAL LAW, AND TO PROVIDE FOR A STUDY ON THE USE OF CLEAR PROCEEDS IN A MANNER THAT WILL ALLOW FOR THE CONTINUATION OF THE USE OF TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS BY LOCAL GOVERNMENTS.

H.B. 1846, AN ACT TO LOWER THE THRESHOLD FROM ONE HUNDRED DOLLARS TO FIFTY DOLLARS FOR ACCEPTING A POLITICAL CONTRIBUTION IN CASH; TO PROHIBIT THE USE OF BLANK PAYEE CHECKS IN CAMPAIGN CONTRIBUTIONS; TO REQUIRE THE REPORTING OF THE IDENTITY OF A CONTRIBUTOR WHO MAKES A CONTRIBUTION OF MORE THAN FIFTY DOLLARS; TO SPECIFY THE TIME PERIOD BY WHICH THE THRESHOLD FOR IDENTIFYING AN INDIVIDUAL CONTRIBUTOR'S IDENTITY IS MEASURED; TO ADD A PENALTY FOR ACCEPTING CONTRIBUTIONS FROM CERTAIN NONLEGAL SOURCES; TO BAR PROSECUTION IF BEST EFFORTS ARE MADE TO ENSURE THAT A CONTRIBUTION IS FROM A LEGAL SOURCE; AND TO STRENGTHEN POLITICAL COMMITTEE TREASURER TRAINING.

H.B. 2744, AN ACT TO MAKE MODIFICATIONS TO THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT FOR CERTAIN TAXPAYERS, AND TO ENHANCE CERTAIN SALES AND USE TAX BENEFITS.

H.B. 2873, AN ACT TO REQUIRE PERMITTING AND INSPECTION OF NEW PRIVATE DRINKING WATER WELLS AND TO REQUIRE WATER QUALITY TESTING OF PRIVATE DRINKING WATER WELLS.

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The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 350, AN ACT TO AUTHORIZE MARTIN COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

H.B. 882, AN ACT CREATING A TAXING DISTRICT IN OCRACOKE TOWNSHIP FOR THE PURPOSE OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

H.B. 1269, AN ACT TO AUTHORIZE CHOWAN COUNTY TO LEVY AN ADDITIONAL TWO PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

H.B. 1820, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES.

H.B. 2402, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW FAIR HOUSING ORGANIZATIONS TO FILE COMPLAINTS WITH THE DURHAM HUMAN RELATIONS COMMISSION.

H.B. 2591, AN ACT AUTHORIZING THE BLADEN COUNTY SCHOOLS TO CONVEY 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. 383, AN ACT TO AMEND THE LAW ESTABLISHING THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND. (Became law upon ratification, July 18, 2006 - S.L. 2006-121.)

S.B. 1428, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, AND TO ALLOW AN ADVISORY REFERENDUM IN THE TOWN OF CLAYTON. (Became law upon ratification, July 18, 2006 - S.L. 2006-122.)

S.B. 1666, AN ACT AUTHORIZING THE TOWN OF SUNSET BEACH TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF CONSTRUCTING SEWAGE COLLECTION AND TREATMENT FACILITIES PRIOR TO THE CONSTRUCTION OF THE FACILITIES. (Became law upon ratification, July 18, 2006 - S.L. 2006-123.)

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S.B. 1841, AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CIVIL SERVICE BOARD. (Became law upon ratification, July 18, 2006 - S.L. 2006-124.)

H.B. 2653, AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN ALAMANCE COUNTY. (Became law upon ratification, July 18, 2006 - S.L. 2006-125.)

H.B. 2688, AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE BEACH AND THE CITY OF HENDERSONVILLE. (Became law upon ratification, July 18, 2006 - S.L. 2006-126.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1896 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (5) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (6) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; AND (7) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS, with an unfavorable report as to Senate Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill No. 3.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 3, 10648, which changes the title upon concurrence to read **H.B. 1896** (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) CRIMINALIZE FALSE STATEMENTS TO THE STATE BUREAU OF INVESTIGATION; (5) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (6) CREATE THE CRIMINAL OFFENSES OF HUMAN

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TRAFFICKING AND SEXUAL SERVITUDE; (7) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (8) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; AND (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS BY THE DIVISION OF MOTOR VEHICLES, is adopted and engrossed.

H.B. 1965 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE STATUTORY PURPOSES FOR WHICH EMINENT DOMAIN MAY BE USED BY PRIVATE CONDEMNORS, LOCAL PUBLIC CONDEMNORS, AND OTHER PUBLIC CONDEMNORS, AND FOR CERTAIN REVENUE BOND PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EMINENT DOMAIN POWERS, 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, 10651, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

H.B. 2468, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CLARKTON TO REGULATE GOLF CARTS, with a favorable report.

S.B. 1621 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL SPECIAL INDEBTEDNESS FOR THE CONSTRUCTION OF UP TO FIVE YOUTH DEVELOPMENT CENTERS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR THE PURCHASE OF STATE GAME LANDS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR A PARKING FACILITY IN DOWNTOWN RALEIGH; AND TO EXEMPT SALES OF TIMBER FROM THE SERVICE CHARGE IMPOSED BY THE DEPARTMENT OF ADMINISTRATION, with a favorable report as to concurrence.

Upon motion of Senator Hoyle, the rules are suspended and the House Committee Substitute bill is placed on today's Calendar, for concurrence.

H.B. 1843 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES, TO AMEND THE LOBBYING LAWS, AND TO MAKE CONFORMING CHANGES, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 60873, is adopted and engrossed.

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By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 2164, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

CONFERENCE REPORT

Senator Boseman, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1216** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ALLOW LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, AND (2) ALLOW ENTITIES DESIGNATED BY THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO SHARE INFORMATION WITH A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT IS RELEVANT TO AN ASSESSMENT OF REPORTS OF CHILD ABUSE, NEGLECT, AND DEPENDENCY BY A LOCAL DEPARTMENT OF SOCIAL SERVICES, 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 1216, A BILL TO BE ENTITLED AN ACT TO (1) ALLOW LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, AND (2) ALLOW ENTITIES DESIGNATED BY THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO SHARE INFORMATION WITH A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT IS RELEVANT TO AN ASSESSMENT OF REPORTS OF CHILD ABUSE, NEGLECT, AND DEPENDENCY BY A LOCAL DEPARTMENT OF SOCIAL SERVICES, House Committee Substitute Favorable 6/29/06, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute Favorable 6/29/06, and the Senate concurs in the House Committee Substitute as amended:

On page 2, line 20, by deleting the word "request," and substituting "request, request and to the extent permitted by federal law and regulations.".

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The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 19, 2006.

Conferees for the Senate

S/Julia Boseman, Chair
S/William R. Purcell
S/Stan Bingham
S/A.B. Swindell, IV

Conferees for the House of Representatives

S/Rick Glazier, Chair
S/Jennifer Weiss
Earline W. Parmon
Beverly M. Earle

The Conference Report is placed on the Calendar for Thursday, July 20, for adoption.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1351 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MORVEN TOWN COUNCIL AND FOUR-YEAR TERMS FOR THE MAYOR OF THE TOWN OF MORVEN, for concurrence.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled.

S.B. 807 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE AND TO REQUIRE A PERFORMANCE AUDIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

Upon motion of Senator Hartsell, the President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 914 (Senate 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, TO MAKE CONFORMING CHANGES, AND TO REPEAL VARIOUS STATUTES AND SESSION LAWS.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 807 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE

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AND TO REQUIRE A PERFORMANCE AUDIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, temporarily displaced earlier today.

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**.

H.B. 1024 (Senate 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; TO SET THE DATE OF FUTURE SECOND PRIMARIES AT SEVEN WEEKS AFTER THE FIRST PRIMARY; TO REVISE THE MUNICIPAL ELECTION SCHEDULE TO PROVIDE MORE TIME FOR ABSENTEE VOTING AND ELECTION ADMINISTRATION; TO CONFORM NORTH CAROLINA ABSENTEE VOTING LAW TO THE U.S. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT; TO ALLOW THE BOARDS OF ELECTIONS TO KEEP CONFIDENTIAL THE IDENTITY OF VOTING UNITS USED IN HAND SAMPLE COUNTS UNTIL THE COUNTY CANVASS; TO PROVIDE FOR FILLING MID-ELECTION-YEAR JUDICIAL VACANCIES; AND TO FURTHER AMEND THE LAW CONCERNING JUDICIAL CANDIDACIES.

Senator Clodfelter offers Amendment No. 1 which is adopted (47-0).

Senator Goodall offers Amendment No. 2 which is adopted (47-0).

Senator Cowell offers Amendment No. 3 which is adopted (47-0), and changes the title upon concurrence to read **H.B. 1024** (Senate 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; TO SET THE DATE OF FUTURE SECOND PRIMARIES AT SEVEN WEEKS AFTER THE FIRST PRIMARY; TO REVISE THE MUNICIPAL ELECTION SCHEDULE TO PROVIDE MORE TIME FOR ABSENTEE VOTING AND ELECTION ADMINISTRATION; TO CONFORM NORTH CAROLINA ABSENTEE VOTING LAW TO THE U.S. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT; TO REVISE THE PROCEDURE FOR SELECTION OF PRECINCTS AND OTHER VOTING UNITS FOR SAMPLE COUNTS; TO PROVIDE FOR FILLING MID-ELECTION-YEAR JUDICIAL VACANCIES; AND TO FURTHER AMEND THE LAW CONCERNING JUDICIAL CANDIDACIES.

The Chair grants a leave of absence for the remainder of today's session to Senator Kinnaird.

The Senate Committee Substitute bill, as amended, passes its second (29-18) 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.

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H.B. 2037 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MEDICAID REIMBURSEMENTS FOR OCULAR PROSTHETISTS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 2212 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOTTERY OVERSIGHT COMMITTEE.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM COMMITTEE

H.B. 2043 (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 July 7.

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 bill to the **Judiciary I Committee**.

S.B. 198, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, referred to the **Rules and Operations of the Senate Committee** on February 23, 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 **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. 2699 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE VISION CARE PROGRAM.

The Senate Committee Substitute bill passes its second (36-11) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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By Senator Hoyle for the **Finance Committee**:

S.B. 1436, A BILL TO BE ENTITLED AN ACT TO REVISE THE ALLOCATION OF PROCEEDS OF SPECIAL INDEBTEDNESS WITH RESPECT TO CERTAIN UNIVERSITY PROJECTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15437, which changes the title to read **S.B. 1436** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW REGIONAL COUNCILS OF GOVERNMENT TO FINANCE REAL PROPERTY ACQUISITIONS AND IMPROVEMENTS AND TO MAKE REVISIONS RELATED TO TAX INCREMENT FINANCING, is adopted and engrossed.

H.B. 2170 (Committee Substitute No. 2), 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, 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 70810, is adopted and engrossed.

Upon motion of Senator Hoyle, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental Calendar.

H.B. 1413 (Senate 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, 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, 70809, which changes the title upon concurrence to read **H.B. 1413** (Senate Committee Substitute No. 2), 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; TO REQUIRE MUNICIPAL MAINTENANCE OF QUALIFYING SUBDIVISION STREETS IN THE EXTRATERRITORIAL PLANNING JURISDICTION OF CERTAIN CITIES; AND TO ALLOW LOCAL GOVERNMENT EMPLOYEES TO STAND IN, ON, OR NEAR A PUBLIC STREET OR HIGHWAY OWNED, LEASED, OR CONTROLLED

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BY THE STATE TO SOLICIT CHARITABLE CONTRIBUTIONS SO LONG AS THE PERSON SOLICITING IS AN EMPLOYEE OR AGENT OF THE LOCAL GOVERNMENT AND MEETS CERTAIN RESTRICTIONS AND GUIDELINES, is adopted and engrossed.

CALENDAR (*continued*)

H.B. 2882 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO EXTEND THE PERIOD IN WHICH A LICENSE REMAINS IN EFFECT AFTER A PERSON LICENSED ON BEHALF OF A FIRM OR CORPORATION CEASES TO BE ASSOCIATED WITH THAT FIRM OR CORPORATION, AND CLARIFYING A GENERAL CONTRACTING EXCEPTION.

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.

WITHDRAWAL FROM COMMITTEE

S.B. 1862 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TEMPORARILY: (1) SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS FOR NITROGEN, (2) REQUIRE THAT NUTRIENT OFFSET PAYMENTS BE CALCULATED AS THEY WERE PRIOR TO CERTAIN RULE AMENDMENTS, AND (3) PROVIDE THAT THERE SHALL BE NO NUTRIENT OFFSET PROGRAM FOR PHOSPHORUS AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENT PROGRAM, for concurrence, referred to the **Agriculture/Environment/Natural Resources Committee** on July 18.

Pursuant to Rule 47 (a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and placed before the Senate for immediate consideration.

Upon motion of Senator Malone, the Senate fails to concur in the House Committee Substitute bill (0-44).

Senator Malone 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.

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CALENDAR *(continued)*

H.B. 2885 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE FILING PERIOD FOR EMPLOYERS TO PROTEST UNEMPLOYMENT INSURANCE CLAIMS.

The Committee Substitute bill passes its second reading (46-1).

Senator Nesbitt objects to third reading of the bill. Pursuant to Rule 50, the President orders the bill placed on the Calendar for tomorrow, Thursday, July 20, upon third reading.

WITHDRAWAL FROM CALENDAR

H.B. 1843 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES, TO AMEND THE LOBBYING LAWS, AND TO MAKE CONFORMING CHANGES, placed on the Calendar for tomorrow, Thursday, July 20.

Senator Rand offers a motion that the Senate Committee Substitute bill No. 2 be withdrawn from the Calendar for Thursday, July 20, and placed on today's Calendar.

The Chair orders the Senate Committee Substitute bill No. 2 withdrawn from the Calendar for Thursday, July 20 and places it on today's Calendar.

The Senate recesses at 2:37 P.M. for the purpose of an Appropriations/Base Budget Committee meeting, a Rules and Operations of the Senate Committee meeting and a Finance Committee meeting, subject to reading of messages from the House of Representatives and receipt of conference reports, to reconvene at 2:50 P.M.

RECESS**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

S.B. 489 (House 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, AND

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AMENDING CERTAIN LICENSURE REQUIREMENTS UNDER THE NORTH CAROLINA COSMETIC ART ACT, 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. 951 (House 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 OR TO PROVIDE COMPENSATION TO THE DISPLACED PRIVATE COMPANY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 20, for concurrence.

S.B. 1381 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO CONVERT A PORTION OF INTERSTATE 540 UNDER CONSTRUCTION IN WAKE AND DURHAM COUNTIES TO A TOLL FACILITY, TO REQUIRE REIMBURSEMENT FOR THE CONVERSION, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on today's supplemental Calendar, for concurrence.

S.B. 1431 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX; AND (2) TO CREATE THE WILMINGTON CONVENTION CENTER DISTRICT; TO MODIFY THE DISTRIBUTION OF COUNTY AND CITY OCCUPANCY TAX PROCEEDS DERIVED FROM ACCOMMODATIONS LOCATED IN THE DISTRICT; TO CREATE THE NEW HANOVER COUNTY DISTRICT U; TO AUTHORIZE THE NEW HANOVER COUNTY DISTRICT U TO LEVY A THREE PERCENT OCCUPANCY TAX; AND TO MAKE ADMINISTRATIVE CHANGES TO THE WILMINGTON OCCUPANCY TAX; AND (3) TO AUTHORIZE CASWELL COUNTY AND THE TOWN OF YANCEYVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 20, for concurrence.

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CONFERENCE REPORT

Senator Bingham, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 2012** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE UNEMPLOYMENT TAX CONTRIBUTION RATE OF A BANKRUPT COMPANY WHOSE ASSETS ARE SOLD IN A BANKRUPTCY SALE IS NOT TRANSFERRED TO A COMPANY THAT BUYS THE ASSETS OF THE BANKRUPT COMPANY AND SHARES NO COMMON OWNERSHIP WITH THE BANKRUPT COMPANY, 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 2012, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE UNEMPLOYMENT TAX CONTRIBUTION RATE OF A BANKRUPT COMPANY WHOSE ASSETS ARE SOLD IN A BANKRUPTCY SALE IS NOT TRANSFERRED TO A COMPANY THAT BUYS THE ASSETS OF THE BANKRUPT COMPANY AND SHARES NO COMMON OWNERSHIP WITH THE BANKRUPT COMPANY, Finance Committee Substitute Adopted 6/22/06, submit the following report:

The Senate concurs in House Amendments No. 1 and No. 2, and the House and Senate agree to the following amendment to the Finance Committee Substitute Adopted 6/22/06, as amended:

On page 5, line 17, by deleting the word "September" and substituting the word "August".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 19, 2006.

Conferees for the Senate

Conferees for the House of Representatives

S/Stan Bingham, Chair
S/A. B. Swindell
S/John H. Kerr III

S/Rick Glazier, Chair
S/Jennifer Weiss
Karen B. Ray

The Conference Report is placed on the Calendar for Thursday, July 20, for adoption.

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 749 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE PARTNERSHIP AGREEMENTS TO MAKE NEEDED TRANSPORTATION IMPROVEMENTS, 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 30633, which changes the title upon concurrence to read **H.B. 749** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE, AND TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE, is adopted and engrossed.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15438, which changes the title to read **S.B. 264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE A CORRECTION IN A TERM, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's supplemental Calendar.

WITHDRAWAL FROM COMMITTEE

S.B. 729 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT NEW MOTOR VEHICLE DEALERS FROM THE USED MOTOR VEHICLE DEALERS' COURSE REQUIREMENTS, for concurrence, referred to the **Commerce Committee** on July 18.

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Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Commerce Committee** and placed on the Calendar for tomorrow, Thursday, July 20, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Commerce Committee** and places it on the Calendar for tomorrow, Thursday, July 20.

S.B. 948 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE BOATING SAFETY AND VESSEL TITLING LAW, for concurrence in House Amendment No. 1, referred to the **Judiciary II Committee** on July 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2, as amended, be withdrawn from the **Judiciary II Committee** and placed on the Calendar for tomorrow, Thursday, July 20, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2, as amended, withdrawn from the **Judiciary II Committee** and places it on the Calendar for tomorrow, Thursday, July 20.

CALENDAR *(continued)*

H.B. 1843 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES, TO AMEND THE LOBBYING LAWS, AND TO MAKE CONFORMING CHANGES, placed earlier on today's Calendar.

Senator Clodfelter offers Amendment No. 1 which is adopted (47-0).

Upon the appearance of Senator Kinnaird in the Chamber, the Chair acknowledges her presence and the leave of absence granted previously is withdrawn.

Senator Berger of Rockingham offers Amendment No. 2.

Senator Clodfelter offers Amendment No. 3 as a Substitute Amendment for Amendment No. 2.

Senator Clodfelter calls the previous question on Amendment No. 3, seconded by Senator Rand. The call of the previous question prevails (27-21).

Amendment No. 3 is adopted (42-6).

Senator Rand calls the previous question on the Senate Committee Substitute bill No. 2, as amended, for H.B. 1843, seconded by Senator Clodfelter. The call of the previous question prevails (31-17).

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The Senate Committee Substitute bill No. 2, as amended, passes its second (47-1) 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 No. 2.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Dalton for the **Appropriations/Base Budget Committee**:

S.B. 198, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, with two unengrossed amendments.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85494 and amendments, which changes the title to read **S.B. 198** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2006, is adopted and engrossed.

Upon motion of Senator Dalton, the rules are suspended and the Committee Substitute bill, as amended, is placed on today's Supplemental Calendar.

H.B. 2762, A BILL TO BE ENTITLED AN ACT RELATING TO THE APPOINTMENT AND COMPENSATION OF THE EXECUTIVE DIRECTOR AND ASSISTANT DIRECTOR OF THE U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30632, which changes the title upon concurrence to read **H.B. 2762** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE APPOINTMENT AND COMPENSATION OF THE EXECUTIVE DIRECTOR AND ASSISTANT DIRECTOR OF THE U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION AND RELATING TO COVERAGE UNDER THE STATE PERSONNEL ACT OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF CULTURAL RESOURCES, is adopted and engrossed.

Upon motion of Senator Dalton, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 807 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE AND TO REQUIRE A PERFORMANCE AUDIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, 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, 55526, is adopted and engrossed.

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Upon motion of Senator Dalton, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1323 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION.

Pursuant to the message from the House of Representatives received on July 12 that the House fails to concur in the Senate Committee Substitute bill for H.B. 1323 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair, Senator Stevens 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.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1862 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TEMPORARILY: (1) SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS FOR NITROGEN, (2) REQUIRE THAT NUTRIENT OFFSET PAYMENTS BE CALCULATED AS THEY WERE PRIOR TO CERTAIN RULE AMENDMENTS, AND (3) PROVIDE THAT THERE SHALL BE NO NUTRIENT OFFSET PROGRAM FOR PHOSPHORUS AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENT PROGRAM.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1862 earlier today and the motion by Senator Malone to appoint conferees having prevailed, Senator Dannelly, Deputy President Pro Tempore, announces the appointment of Senator Malone, Chair; Senator Jenkins; Senator Kerr; Senator Stevens; 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.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 350 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE MUNICIPALITIES OF AHOSKIE, CRAMERTON, FARMVILLE, AND LAGRANGE; TO PROVIDE THAT HIGH POINT CITY ELECTIONS SHALL BE HELD IN THE EVEN-NUMBERED YEARS AND DECIDED ON A PLURALITY BASIS; TO AMEND THE CHARTER OF THE TOWN OF MCFARLAN TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS; TO CONFIRM THE

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APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS; TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE; TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER; PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261; AND TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 350 on July 11 and the motion by Senator Garwood to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Garwood, Chair; Senator Albertson; Senator Jenkins; 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. 489 (House 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, AND AMENDING CERTAIN LICENSURE REQUIREMENTS UNDER THE NORTH CAROLINA COSMETIC ART ACT.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 489 earlier today and the motion by Senator Cowell to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Cowell, Chair, Senator Bingham 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.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 2445 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE OCCUPANCY TAX IN HALIFAX COUNTY.

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Pursuant to the message from the House of Representatives received on July 17 that the House fails to concur in the Senate Committee Substitute bill for H.B. 2445 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Holloman, Chair; Senator Berger of Franklin; Senator Jenkins; and Senator Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

Senator Dalton, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **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, submits for adoption the following report:

July 19, 2006

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 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, House Committee Substitute Favorable 7/25/05, Fourth Edition, submit the following report:

The Senate and the House of Representatives agree to the following amendment to House Committee Substitute Favorable 7/25/05, Fourth Edition, and the Senate concurs in the House Committee Substitute as amended:

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Delete the entire House Committee Substitute Favorable 7/25/05, Fourth Edition, and substitute the attached Proposed Conference Committee Substitute S686-PCCS75570-RI-6.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 19, 2006.

Conferees for the Senate

S/Walter H. Dalton, Chair
S/Fletcher L. Hartsell, Jr.
S/Anthony E. Rand
S/John J. Snow, Jr.

Conferees for the House of Representatives

S/Rick Glazier, Chair
S/Lorene T. Coates
S/R. Phillip Haire
S/Grier Martin
S/Earline W. Parmon
Karen B. Ray
S/Jennifer Weiss

The text of the attached Proposed Conference Committee Substitute, PCCS S686-PCCS75570-RI-6 is as follows:

A BILL TO BE ENTITLED

AN ACT TO AMEND RESTRICTIONS ON THE PURCHASE AND SALE OF PSEUDOEPHEDRINE PRODUCTS CONTAINED IN ARTICLE 5D OF CHAPTER 90 OF THE GENERAL STATUTES, THE "METHAMPHETAMINE LAB PREVENTION ACT OF 2005," IN ORDER TO COMPLY WITH FEDERAL LAW, AND TO MAKE OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-113.52 reads as rewritten:

"§ 90-113.52. Pseudoephedrine: restrictions on sales.

(a) A pseudoephedrine product ~~whose sole active ingredient is pseudoephedrine in strength of 30 milligrams or more per tablet or caplet in the form of a tablet, caplet, or gel cap~~ shall not be offered for retail sale loose in bottles but shall be sold only in blister packages.

(b) Pseudoephedrine products shall not be offered for retail sale by self-service, but shall be stored and sold in the following manner: Any pseudoephedrine product in the form of a tablet or caplet containing pseudoephedrine as the sole active ingredient or in combination with other active ingredients shall be stored and sold behind a pharmacy counter.

(c) A pseudoephedrine product may be sold at retail without a prescription only to a person at least 18 years of age. The retailer shall require every retail purchaser of a pseudoephedrine product to furnish photo identification. If the retailer has reasonable grounds to believe that the prospective purchaser is under 18 years of age, the retailer shall require the

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prospective purchaser to furnish photo identification showing the date of birth of the person. The name and address of every purchaser shall be entered in a record of disposition of pseudoephedrine products to the consumer on a form approved by the Commission. The record of disposition shall also identify each pseudoephedrine product purchased, including the number of grams the product contains and the purchase date of the transaction. The retailer shall require that every purchaser sign the form attesting to the validity of the information. The form approved by the Commission shall be constructed so that it allows for entry of information in electronic format, including electronic signature. The form shall also be constructed and maintained so as to minimize disclosure of personal information to unauthorized persons and shall contain a statement in at least 10-point boldface type at the top of every page substantially similar to the following: "NORTH CAROLINA LAW STRICTLY PROHIBITS ~~A SINGLE TRANSACTION~~ THE PURCHASE OF MORE THAN TWO PACKAGES OF CERTAIN PRODUCTS CONTAINING PSEUDOEPHEDRINE (3.6 GRAMS TOTAL) PER DAY, (SIX GRAMS TOTAL), AND NO MORE THAN THREE PACKAGES (NINE (9 GRAMS TOTAL)) OF CERTAIN PRODUCTS CONTAINING PSEUDOEPHEDRINE WITHIN A 30-DAY PERIOD. BY MY SIGNATURE, I ATTEST THAT THE INFORMATION I HAVE PROVIDED IN CONNECTION WITH THIS TRANSACTION IS TRUE AND CORRECT AND THAT THIS TRANSACTION DOES NOT EXCEED THE PURCHASE RESTRICTIONS. I ACKNOWLEDGE THAT KNOWING AND WILLFUL VIOLATION OF THE PURCHASE RESTRICTIONS OR THE FURNISHING OF FALSE INFORMATION IN CONNECTION THEREWITH MAY SUBJECT ME TO CRIMINAL PENALTIES." If the form attesting to the validity of this information is to be signed by the purchaser in electronic format, the retailer may choose to display in a clear and conspicuous manner the statement on a sign to be placed immediately adjacent to the device on which the electronic signature will be obtained, in lieu of including the full statement in electronic format. If the retailer chooses to display the statement on a sign rather than in electronic format, the retailer shall: (i) instruct the purchaser prior to signing to read the statement; and (ii) include on the form for signature contained in the electronic device a statement substantially similar to the following: "I have read, understand, and agree with the statement just shown to me concerning the requirements under State law pertaining to pseudoephedrine purchases." Display of the sign in this manner shall satisfy the signage requirements of G.S. 90-113.54.

(d) A retailer shall maintain a record of disposition of pseudoephedrine products to the consumer for a period of two years from the date of each transaction. A record shall be readily available within 48 hours of the time of the transaction for inspection by an authorized official of a federal, State, or local law enforcement agency. The records maintained by a retailer are privileged information and are not public records but are for the exclusive use of the retailer and law enforcement. The retailer may destroy the information after two years from the date of the transactions.

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(e) This section does not apply to any pseudoephedrine product that is in the form of a liquid, liquid capsule, gel capsule, or pediatric product labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instruction, except as to those specific products for which the Commission issues an order pursuant to G.S. 90-113.58 subjecting the product to requirements under this Article."

SECTION 2. G.S. 90-113.53 reads as rewritten:

"§ 90-113.53. Pseudoephedrine transaction limits.

(a) No person shall deliver to any one person, attempt to deliver to any one person, purchase, or attempt to purchase at retail more than two packages containing a combined total of more than 3.6 grams of any pseudoephedrine products per calendar day. No person shall deliver or purchase, or attempt to deliver or purchase, in any single over the counter retail sale more than two packages containing a combined total of more than six grams of any pseudoephedrine products. This limit does not apply if the product is dispensed under a valid prescription.

(b) No person shall purchase at retail more than three packages containing a combined total of more than ~~nine~~9 grams of pseudoephedrine products within any 30-day period. This limit does not apply if the product is dispensed under a valid prescription.

(c) This section does not apply to any pseudoephedrine products that are in the form of liquids, liquid capsules, gel capsules, or pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instruction, except as to those specific products for which the Commission issues an order pursuant to G.S. 90-113.58 subjecting the product to requirements under this Article."

SECTION 3. G.S. 90-113.54 reads as rewritten:

"§ 90-113.54. Posting of signs.

(a) A retailer shall post a sign or placard in a clear and conspicuous manner in the area of the premises where the pseudoephedrine products are offered for sale ~~stating, substantially similar to the following:~~ "North Carolina law strictly prohibits ~~a single transaction~~ the purchase of more than two packages (~~six~~(3.6 grams total) of certain products containing pseudoephedrine per day, and ~~no~~ more than three packages (~~nine~~9 grams total) of certain products containing pseudoephedrine within a 30-day period. This store will maintain a record of all sales of these products which may be accessible to law enforcement officers.

(b) This section does not apply to any pseudoephedrine products that are in the form of liquids, liquid capsules, gel capsules, or pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instruction, except as to those specific products for which the Commission issues an order pursuant to G.S. 90-113.58 subjecting the product to requirements under this Article."

SECTION 4. Article 5D of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-113.61. Regulation of pseudoephedrine products in the form of liquids, liquid capsules, gel capsules, and pediatric products.

Except as to those specific products for which the Commission issues an order pursuant to G.S. 90-113.58 subjecting the product to requirements under this Article, any pseudoephedrine products that are in the form of liquids, liquid capsules, gel capsules, or pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instruction shall not be subject to requirements under this Article, but such products shall be subject to the requirements of the Combat Methamphetamine Act of 2005, Title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005, P.L. 109-177."

SECTION 5. Section 4 of this act becomes effective September 30, 2006. The remainder of this act is effective when it becomes law.

Upon motion of Senator Dalton, the rules are suspended and the Conference Report, which changes the title, is placed on today's Supplemental Calendar for adoption.

The Senate recesses at 5:08 P.M. for the purpose of a Commerce Committee meeting to reconvene at 6:00 P.M. subject to receipt of committee reports.

RECESS

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

H.B. 1860 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ESTABLISH AND APPOINT A STROKE ADVISORY COUNCIL, 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 50779, which changes the title upon concurrence to read **H.B. 1860** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE TO ESTABLISH AND APPOINT A STROKE ADVISORY COUNCIL, is adopted and engrossed.

Upon motion of Senator Purcell, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 966, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DURHAM COUNTY BOARD OF ELECTIONS TO MOVE TWO PRECINCT

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BOUNDARIES, 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 50778, which changes the title upon concurrence to read **H.B. 966** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISCLOSURE OF CANDIDATE-SPECIFIC COMMUNICATIONS, is adopted and engrossed.

Upon motion of Senator Clodfelter, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

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, 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 60875, which changes the title upon concurrence to read **H.B. 88** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED 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 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, is adopted and engrossed.

Upon motion of Senator Clodfelter, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

By Senator Soles for the **Commerce Committee**:

H.B. 1827 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION

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CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL CONTRACTOR'S LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO CLARIFY A GENERAL CONTRACTING EXCEPTION, 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 30635, which changes the title upon concurrence to read **H.B. 1827** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL CONTRACTOR'S LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO CLARIFY A GENERAL CONTRACTING EXCEPTION, AND TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES IN HIGHWAY CONSTRUCTION, is adopted and engrossed.

Upon motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

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 Cowell.

CALENDAR *(continued)*

H.B. 2894 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE NORTH CAROLINA CONSUMER FINANCE ACT TO VARIOUS LENDING SUBTERFUGES.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 1587 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS

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IN CERTAIN CIRCUMSTANCES; (4) PROVIDE THAT A PERSON WHO MANUFACTURES, INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; (5) DELAY BY ONE YEAR THE EFFECTIVE DATE OF CERTAIN PROVISIONS OF S.L. 2005-384, AN ACT TO REQUIRE THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES; (5.1) PROVIDE THAT SEPTAGE GENERATED BY THE OPERATION OF A WASTEWATER FACILITY PERMITTED UNDER ARTICLE 11 OF CHAPTER 130A OF THE GENERAL STATUTES MAY BE MANAGED AS PROVIDED BY G.S. 130A-291.1; (5.2) ESTABLISH THE EMERGENCY DRINKING WATER FUND; (5.3) PROVIDE, ON A TEMPORARY BASIS, THAT DONATIONS OF REAL PROPERTY TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES THAT SERVE AS ALTERNATIVES TO MAINTENANCE OF RIPARIAN BUFFERS ARE LIMITED TO A PROPERTY THAT IS LOCATED IN THE SAME RIVER BASIN AS THE RIPARIAN BUFFER THAT IS LOST BUT ARE NOT LIMITED TO A PROPERTY THAT IS LOCATED ON THE SAME STREAM AS THE RIPARIAN BUFFER THAT IS LOST; (5.4) MODIFY THE METHOD BY WHICH BASELINE EMISSIONS ARE DETERMINED FOR CERTAIN COAL-FIRED ELECTRIC GENERATING UNITS; (6) REMOVE DEER AND ELK FROM THE DEFINITION OF LIVESTOCK; (7) CLARIFY THAT THE FOR HIRE BLANKET COASTAL RECREATIONAL FISHING LICENSE IS ISSUED FOR THE FOR HIRE BOAT; (8) CLARIFY THAT SPECIAL LANDHOLDER AND GUEST FISHING LICENSES ONLY APPLY WHEN THE GUESTS ARE NONPAYING; (9) INCREASE THE TYPES OF LICENSES THAT THE WILDLIFE RESOURCES COMMISSION MAY ESTABLISH AS PERSONALIZED LICENSES; (10) CLARIFY THAT THE LIFETIME UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE IS A RESIDENT-ONLY LICENSE; (11) PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION OBTAINED BY THE WILDLIFE RESOURCES COMMISSION, THE MARINE FISHERIES COMMISSION, AND THE DIVISION OF MARINE FISHERIES; (12) AUTHORIZE THE MARINE FISHERIES COMMISSION TO EXEMPT CERTAIN ORGANIZED FISHING EVENTS FROM LICENSE REQUIREMENTS; AND (13) CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (46-1) and the bill is ordered enrolled and sent to the Governor by special message.

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SUPPLEMENTAL CALENDAR

Bills on today's Supplemental Calendar are taken up and disposed of, as follows:

H.B. 88 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED 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 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.

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, Thursday, July 20.

H.B. 966 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISCLOSURE OF CANDIDATE-SPECIFIC COMMUNICATIONS.

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, Thursday, July 20.

H.B. 1827 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL CONTRACTOR'S LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO CLARIFY A GENERAL CONTRACTING EXCEPTION, AND TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES IN HIGHWAY CONSTRUCTION.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Senator Shaw offers Amendment No. 1.

Upon motion of Senator Rand, the Senate Committee Substitute bill is temporarily displaced with Amendment No. 1 pending.

H.B. 2170 (Senate Committee Substitute), 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, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 4, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—43.

Voting in the negative: Senators Goodall, Kinnaird, Pittenger and Webster—4.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 20, upon third reading.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 143** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRICULTURE TOURISM ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS, 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 143, A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRICULTURE TOURISM ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS, Senate Finance Committee Substitute Adopted 6/30/06, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 6/30/06, and the House concurs in the Senate Finance Committee Substitute as amended:

On page 1, line 9, deleting "July 1, 2007," and substituting "January 1, 1999,".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 19, 2006.

Conferees for the Senate

Conferees for the House of Representatives

S/David W. Hoyle, Chair

S/Lorene Coates, Chair

S/Charles W. Albertson

S/Dewey L. Hill

S/Fletcher L. Hartsell, Jr.

S/Marvin W. Lucas

S/Fred F. Steen, II

The Conference Report is placed on the Calendar for tomorrow, Thursday, July 20, for adoption.

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SUPPLEMENTAL CALENDAR *(continued)*

S.B. 198 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2006.

Senator Hagan 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. 264 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE A CORRECTION IN A TERM.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 807 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE AND TO REQUIRE A PERFORMANCE AUDIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

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.

H.B. 1827 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL CONTRACTOR'S LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO CLARIFY A GENERAL CONTRACTING EXCEPTION, AND TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES IN HIGHWAY CONSTRUCTION, temporarily displaced earlier with Amendment No. 1 pending.

Amendment No. 1 fails of adoption (16-31).

The Senate Committee Substitute bill passes its second (37-10) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM CALENDAR

H.B. 2885 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE FILING PERIOD FOR EMPLOYERS TO PROTEST UNEMPLOYMENT INSURANCE CLAIMS, placed on the Calendar Thursday, July 20, for third reading.

Senator Nesbitt withdraws his objection to third reading and Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the

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Calendar for Thursday, July 20, and placed on today's Supplemental Calendar for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for Thursday, July 20, and places it on today's Supplemental Calendar for immediate consideration.

The Committee Substitute bill passes its third reading (47-0) and is ordered enrolled and sent to the Governor by special message.

CALENDAR (*continued*)

H.B. 1860 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE TO ESTABLISH AND APPOINT A STROKE ADVISORY COUNCIL.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 2762 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE APPOINTMENT AND COMPENSATION OF THE EXECUTIVE DIRECTOR AND ASSISTANT DIRECTOR OF THE U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION AND RELATING TO COVERAGE UNDER THE STATE PERSONNEL ACT OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF CULTURAL RESOURCES.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 1621 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL SPECIAL INDEBTEDNESS FOR THE CONSTRUCTION OF UP TO FIVE YOUTH DEVELOPMENT CENTERS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR THE PURCHASE OF STATE GAME LANDS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR A PARKING FACILITY IN DOWNTOWN RALEIGH; AND TO EXEMPT SALES OF TIMBER FROM THE SERVICE CHARGE IMPOSED BY THE DEPARTMENT OF ADMINISTRATION, for concurrence.

Upon motion of Senator Hoyle, the Senate fails to concur in the House Committee Substitute bill on its second reading by roll-call vote, ayes 0, noes 47, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Forrester, Garwood, Goodall, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—47.

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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.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1621 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL SPECIAL INDEBTEDNESS FOR THE CONSTRUCTION OF UP TO FIVE YOUTH DEVELOPMENT CENTERS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR THE PURCHASE OF STATE GAME LANDS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR A PARKING FACILITY IN DOWNTOWN RALEIGH; AND TO EXEMPT SALES OF TIMBER FROM THE SERVICE CHARGE IMPOSED BY THE DEPARTMENT OF ADMINISTRATION.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1621 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, and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 489 (House 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, AND AMENDING CERTAIN LICENSURE REQUIREMENTS UNDER THE NORTH CAROLINA COSMETIC ART ACT, for concurrence.

Upon motion of Senator Graham, the Senate fails to concur in the House Committee Substitute bill (0-47).

Senator Graham 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. 1381 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NORTH CAROLINA

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TURNPIKE AUTHORITY TO CONVERT A PORTION OF INTERSTATE 540 UNDER CONSTRUCTION IN WAKE AND DURHAM COUNTIES TO A TOLL FACILITY, TO REQUIRE REIMBURSEMENT FOR THE CONVERSION, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS, for concurrence.

Upon motion of Senator Jenkins, the Senate fails to concur in the House Committee Substitute bill (0-47).

Senator Jenkins 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 19, 2006

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. 686** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RESTRICTIONS ON THE PURCHASE AND SALE OF PSEUDOEPHEDRINE PRODUCTS CONTAINED IN ARTICLE 5D OF CHAPTER 90 OF THE GENERAL STATUTES, THE "METHAMPHETAMINE LAB PREVENTION ACT OF 2005," IN ORDER TO COMPLY WITH FEDERAL LAW, AND TO MAKE OTHER CONFORMING 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

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 686 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND RESTRICTIONS ON THE PURCHASE AND SALE OF PSEUDOEPHEDRINE PRODUCTS CONTAINED IN ARTICLE 5D OF CHAPTER 90 OF THE GENERAL STATUTES, THE "METHAMPHETAMINE LAB PREVENTION ACT OF 2005," IN ORDER TO COMPLY WITH FEDERAL LAW, AND TO MAKE OTHER CONFORMING CHANGES, for adoption.

Upon motion of Senator Dalton, the Senate adopts the Conference Report (47-0).

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Pursuant to a message from the House of Representatives received earlier today that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor by special message.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1381 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO CONVERT A PORTION OF INTERSTATE 540 UNDER CONSTRUCTION IN WAKE AND DURHAM COUNTIES TO A TOLL FACILITY, TO REQUIRE REIMBURSEMENT FOR THE CONVERSION, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1381 earlier today and the motion by Senator Jenkins to appoint conferees having prevailed, 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 and requesting conferees.

REMARKS BY SENATOR WEBSTER AND SENATOR RAND

Senator Webster requests that the following remarks regarding H.B. 1843 be made a part of the record.

By Senator Webster:

"Madame President, under Section 2, Article 18 of our Constitution, I rise to register a protest. During the debate, I had a very serious amendment and when it was passed out, the question was called on the bill. We won't get into that, but you know what happened and I wish to read to you and this is a protest for our Journal by the way. 'Any member of either House may dissent from or protest against any act or resolve which he may think injurious to the public or to any individual and have the reason of his dissent entered on the Journal,' and I am doing so right now for the Journal, for the record. Misinterpretation and mishandling of our rules, our germaneness rule, our calling of the question, our cutting off debate, I think is injurious to the deliberative nature of this body and I hereby register my protest."

The following remarks by Senator Rand are made a part of the Journal:

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By Senator Rand:

"Madame President, just to make sure the record is correct on what Senator Webster said, I called the question. I never saw any amendment that he had. I never saw anything with his name on it and he did not speak to me about it."

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns subject to reading of messages from the House of Representatives, receipt of committee reports and conference reports, and appointment of conferees, to meet tomorrow, Thursday, July 20, at 11:00 A.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 19, 2006

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. 1025**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES, and requests conferees.

Speaker Black has appointed:

Representative Luebke, Chair
Representative Alexander, and
Representative Gibson

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

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House of Representatives
July 19, 2006

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. 1216** (Conference Report), A BILL TO BE ENTITLED AN ACT TO (1) ALLOW LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, AND (2) ALLOW ENTITIES DESIGNATED BY THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO SHARE INFORMATION WITH A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT IS RELEVANT TO AN ASSESSMENT OF REPORTS OF CHILD ABUSE, NEGLECT, AND DEPENDENCY BY A LOCAL DEPARTMENT OF SOCIAL SERVICES.

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
July 19, 2006

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. 2012** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE UNEMPLOYMENT TAX CONTRIBUTION RATE OF A BANKRUPT COMPANY WHOSE ASSETS ARE SOLD IN A BANKRUPTCY SALE IS NOT TRANSFERRED TO A COMPANY THAT BUYS THE ASSETS OF THE BANKRUPT COMPANY AND SHARES NO COMMON OWNERSHIP WITH THE BANKRUPT COMPANY.

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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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 19, 2006

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. 2212** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE LOTTERY OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE LOTTERY COMMISSION TO SEND REPORTS TO THAT COMMITTEE, and requests conferees.

Speaker Black has appointed:

Representative B. Allen
Representative Owens
Representative Harrison, 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 MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1479 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM UNINCORPORATED NONPROFIT

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ASSOCIATION ACT AND TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 20, for concurrence.

H.B. 1196 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHOLESALE DRUG DISTRIBUTOR LICENSING FEE FOR SMALL BUSINESSES.

Referred to the **Finance Committee**.

H.B. 1895 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL.

Referred to the **Health Care Committee** and upon a favorable report re-referred to **Appropriations/Base Budget Committee**.

S.B. 1280 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO ESTABLISH A PILOT PROGRAM TO EVALUATE THE USE OF TELEMONITORING EQUIPMENT FOR HOME AND COMMUNITY BASED RECIPIENTS, AND TO PROHIBIT THE ISSUING OF LICENSES FOR HOME CARE AGENCIES FOR ONE YEAR, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 20, for concurrence.

H.B. 2035 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SENIOR RESIDENT SUPERIOR COURT JUDGES TO PROVIDE FACILITIES FOR HEARINGS CONDUCTED BY THE OFFICE OF ADMINISTRATIVE HEARINGS.

Referred to the **Judiciary I Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 19, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1381** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE

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DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO CONVERT A PORTION OF INTERSTATE 540 UNDER CONSTRUCTION IN WAKE AND DURHAM COUNTIES TO A TOLL FACILITY, TO REQUIRE REIMBURSEMENT FOR THE CONVERSION, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS, and requests conferees, Speaker Black appoints:

Representative Cole, Chair
Representative Weiss
Representative Martin
Representative Coates, and
Representative Saunders

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise 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 19, 2006

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. 1843**, A BILL TO BE ENTITLED AN ACT TO REVISE THE LEGISLATIVE ETHICS ACT AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL REFORM, and requests conferees.

Speaker Black has appointed:

Representative Hackney, Chair
Representative Ross
Representative Alexander
Representative Bell
Representative Martin
Representative Howard
Representative Owens

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Representative Michaux
Representative Carney
Representative Cole
Representative Eddins, and
Representative Barnhart

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 19, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 489** (House 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, AND AMENDING CERTAIN LICENSURE REQUIREMENTS UNDER THE NORTH CAROLINA COSMETIC ART ACT, and requests conferees, Speaker Black appoints:

Representative Underhill, Chair
Representative Spear, and
Representative Wiley

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

July 19, 2006

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 19, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 350**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE MUNICIPALITIES OF AHOSKIE, CRAMERTON, FARMVILLE, AND LAGRANGE; TO PROVIDE THAT HIGH POINT CITY ELECTIONS SHALL BE HELD IN THE EVEN-NUMBERED YEARS AND DECIDED ON A PLURALITY BASIS; TO AMEND THE CHARTER OF THE TOWN OF MCFARLAN TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS; TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS; TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE; TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER; PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261; AND TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, and requests conferees, Speaker Black appoints:

Representative Gibson, Chair
Representative Wiley, 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

July 19, 2006

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 19, 2006

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. 1522**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE PORTS AUTHORITY ENABLING LEGISLATION, and requests conferees.

Speaker Black has appointed:

Representative Harrell, Chair
Representative Luebke, 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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 19, 2006

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. 143** (Conference Report), A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRI-TOURISM ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

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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
July 19, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1862**, A BILL TO BE ENTITLED AN ACT TO TEMPORARILY: (1) SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS FOR NITROGEN, (2) REQUIRE THAT NUTRIENT OFFSET PAYMENTS BE CALCULATED AS THEY WERE PRIOR TO CERTAIN RULE AMENDMENTS, AND (3) PROVIDE THAT THERE SHALL BE NO NUTRIENT OFFSET PROGRAM FOR PHOSPHORUS AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENT PROGRAM, and requests conferees, Speaker Black appoints:

Representative Gibson, Chair
Representative L. Allen, and
Representative Daughtridge

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. 1843 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE,

July 19, 2006

LEGISLATIVE, AND JUDICIAL BRANCHES, TO AMEND THE LOBBYING LAWS, AND TO MAKE CONFORMING CHANGES.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill No. 2 for H.B. 1843 and requests conferees, Senator Clodfelter, Chair; Senator Brunstetter; Senator Cowell; Senator Hartsell; Senator Nesbitt; Senator Rand; and Senator Stevens are appointed 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. 1522 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE TAX CREDIT FOR PRODUCTION COMPANIES TO THE STANDARD TAX TREATMENT WITH RESPECT TO THE DEDUCTION OF BUSINESS EXPENSES.

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. 1522 and requests conferees, Senator Boseman, Chair, Senator Hagan and Senator Hoyle are appointed 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 ADDITIONAL CONFEREE

H.B. 1323 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION.

Senator Kinnaird is added as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:28 P.M.

July 19, 2006

ONE HUNDRED SEVENTY-FIRST DAY

Senate Chamber
Thursday, July 20, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"We start today humbly praying the Publican Prayer: 'Lord, be merciful to us as sinners, believing that having made such a sincere confession by your grace we are forgiven.' So now having begun today's proceedings with a clean slate, we ask that you help us to act like saints the rest of the day. Amen."

The Chair grants leaves of absence for today to Senator Garrou, Senator Garwood and Senator Holloman.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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.

The Chair extends the privileges of the floor to Dr. Lisa Thompson from Apex, North Carolina, who is serving the Senate as Doctor of the Day, and to Sharon Gallagher from Fayetteville, 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:

H.B. 1843 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES, TO AMEND THE LOBBYING LAWS, AND TO MAKE CONFORMING CHANGES.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill No. 2 is temporarily displaced.

H.B. 2468, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CLARKTON TO REGULATE GOLF CARTS.

July 20, 2006

The President rules that the bill does not require a call of the roll.
The bill passes its second (47-0) and third readings and is ordered enrolled.

S.B. 1431 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX; AND (2) TO CREATE THE WILMINGTON CONVENTION CENTER DISTRICT; TO MODIFY THE DISTRIBUTION OF COUNTY AND CITY OCCUPANCY TAX PROCEEDS DERIVED FROM ACCOMMODATIONS LOCATED IN THE DISTRICT; TO CREATE THE NEW HANOVER COUNTY DISTRICT U; TO AUTHORIZE THE NEW HANOVER COUNTY DISTRICT U TO LEVY A THREE PERCENT OCCUPANCY TAX; AND TO MAKE ADMINISTRATIVE CHANGES TO THE WILMINGTON OCCUPANCY TAX; AND (3) TO AUTHORIZE CASWELL COUNTY AND THE TOWN OF YANCEYVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, for concurrence.

Upon motion of Senator Soles, the Senate fails to concur in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 0, noes 47, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Goodall, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—47.

Senator Soles offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1431 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX; AND (2) TO CREATE THE WILMINGTON CONVENTION CENTER DISTRICT; TO MODIFY THE DISTRIBUTION OF COUNTY AND CITY OCCUPANCY TAX PROCEEDS DERIVED FROM ACCOMMODATIONS LOCATED IN THE DISTRICT; TO CREATE THE NEW HANOVER COUNTY DISTRICT U; TO AUTHORIZE THE NEW HANOVER COUNTY DISTRICT U TO LEVY A THREE PERCENT OCCUPANCY TAX; AND TO MAKE ADMINISTRATIVE CHANGES TO THE WILMINGTON OCCUPANCY TAX; AND (3) TO AUTHORIZE CASWELL COUNTY AND THE TOWN OF YANCEYVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1431 earlier today and the motion by Senator Soles to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Soles, Chair; Senator Albertson; Senator Boseman; Senator Webster; and Senator Weinstein as conferees on the

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part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (*continued*)

H.B. 2170 (Senate Committee Substitute), 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.

Senator Hoyle offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 41, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Forrester, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Kerr, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—41.

Voting in the negative: Senators Brock, Cowell, Goodall, Kinnaird and Webster—5.

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. 749 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE, AND TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE.

Upon motion of Senator Hoyle, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 1413 (Senate Committee Substitute No. 2), 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; TO REQUIRE MUNICIPAL MAINTENANCE OF QUALIFYING SUBDIVISION STREETS IN THE

EXTRATERRITORIAL PLANNING JURISDICTION OF CERTAIN CITIES; AND TO ALLOW LOCAL GOVERNMENT EMPLOYEES TO STAND IN, ON, OR NEAR A PUBLIC STREET OR HIGHWAY OWNED, LEASED, OR CONTROLLED BY THE STATE TO SOLICIT CHARITABLE CONTRIBUTIONS SO LONG AS THE PERSON SOLICITING IS AN EMPLOYEE OR AGENT OF THE LOCAL GOVERNMENT AND MEETS CERTAIN RESTRICTIONS AND GUIDELINES.

Senator Clodfelter offers Amendment No. 1 which is adopted (47-0), and changes the title upon concurrence to read **H.B. 1413** (Senate Committee Substitute No. 2), 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 AND TO ALLOW LOCAL GOVERNMENT EMPLOYEES TO STAND IN, ON, OR NEAR A PUBLIC STREET OR HIGHWAY OWNED, LEASED, OR CONTROLLED BY THE STATE TO SOLICIT CHARITABLE CONTRIBUTIONS SO LONG AS THE PERSON SOLICITING IS AN EMPLOYEE OR AGENT OF THE LOCAL GOVERNMENT AND MEETS CERTAIN RESTRICTIONS AND GUIDELINES.

The Senate Committee Substitute bill No. 2, as amended, 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, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Goodall, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—45.

Voting in the negative: Senators Berger of Rockingham and Presnell—2.

The President orders Amendment No. 1 engrossed before third reading.

The Senate Committee Substitute bill No. 2, as amended, remains on the Calendar for Friday, July 21, upon third reading.

H.B. 1965 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE STATUTORY PURPOSES FOR WHICH EMINENT DOMAIN MAY BE USED BY PRIVATE CONDEMNORS, LOCAL PUBLIC CONDEMNORS, AND OTHER PUBLIC CONDEMNORS, AND FOR CERTAIN REVENUE BOND PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EMINENT DOMAIN POWERS.

Upon motion of Senator Rand, the Senate Committee Substitute bill No. 2 is taken out of its regular order of business and placed before the Senate for immediate consideration.

Senator Snow calls the previous question on the Senate Committee Substitute bill No. 2 for H.B. 1965, seconded by Senator Dalton. The call of the previous question prevails (31-16).

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.

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REMARKS BY SENATOR WEBSTER

Senator Webster requests that the following remarks regarding H.B. 1965 be made a part of the record:

By Senator Webster:

"Madame President, I wish to vote aye, I think. I wish to issue notice that I wish to record another protest to this conduct under our Constitution, Section II, Article whatever it is. Calling the question on this bill at this point and time is bad conduct and it is contrary to the intent of our Constitution."

CALENDAR *(continued)*

H.B. 2164, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Forrester, Goodall, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—45.

Voting in the negative: Senators Berger of Rockingham and Webster—2.

The bill remains on the Calendar for Monday, July 24, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 686, AN ACT TO AMEND RESTRICTIONS ON THE PURCHASE AND SALE OF PSEUDOEPHEDRINE PRODUCTS CONTAINED IN ARTICLE 5D OF CHAPTER 90 OF THE GENERAL STATUTES, THE "METHAMPHETAMINE LAB PREVENTION ACT OF 2005," IN ORDER TO COMPLY WITH FEDERAL LAW, AND TO MAKE OTHER CONFORMING CHANGES.

S.B. 1375, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE NOTARY PUBLIC ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER CORRECTIONS TO SESSION LAW 2006-59.

S.B. 1487, AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO ACCEPT, IN ADDITION TO

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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 AS A DENTAL HYGIENIST, AND AUTHORIZING THE BOARD TO CHARGE THE ACTUAL COST OF THE THIRD-PARTY TESTING SERVICE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

S.B. 1587, AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS IN CERTAIN CIRCUMSTANCES; (4) PROVIDE THAT A PERSON WHO MANUFACTURES, INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; (5) DELAY BY ONE YEAR THE EFFECTIVE DATE OF CERTAIN PROVISIONS OF S.L. 2005-384, AN ACT TO REQUIRE THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES; (5.1) PROVIDE THAT SEPTAGE GENERATED BY THE OPERATION OF A WASTEWATER FACILITY PERMITTED UNDER ARTICLE 11 OF CHAPTER 130A OF THE GENERAL STATUTES MAY BE MANAGED AS PROVIDED BY G.S. 130A-291.1; (5.2) ESTABLISH THE EMERGENCY DRINKING WATER FUND; (5.3) PROVIDE, ON A TEMPORARY BASIS, THAT DONATIONS OF REAL PROPERTY TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES THAT SERVE AS ALTERNATIVES TO MAINTENANCE OF RIPARIAN BUFFERS ARE LIMITED TO A PROPERTY THAT IS LOCATED IN THE SAME RIVER BASIN AS THE RIPARIAN BUFFER THAT IS LOST BUT ARE NOT LIMITED TO A PROPERTY THAT IS LOCATED ON THE SAME STREAM AS THE RIPARIAN BUFFER THAT IS LOST; (5.4) MODIFY THE METHOD BY WHICH BASELINE EMISSIONS ARE DETERMINED FOR CERTAIN COAL-FIRED ELECTRIC GENERATING UNITS; (6) REMOVE DEER AND ELK FROM THE DEFINITION OF LIVESTOCK; (7) CLARIFY THAT THE FOR HIRE BLANKET COASTAL RECREATIONAL FISHING LICENSE IS ISSUED FOR THE FOR HIRE BOAT; (8) CLARIFY THAT SPECIAL LANDHOLDER AND GUEST FISHING LICENSES ONLY APPLY WHEN THE GUESTS ARE NONPAYING; (9) INCREASE THE TYPES OF LICENSES THAT THE WILDLIFE RESOURCES COMMISSION MAY ESTABLISH AS PERSONALIZED LICENSES; (10) CLARIFY THAT THE LIFETIME UNIFIED INLAND/COASTAL RECREATIONAL FISHING

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LICENSE IS A RESIDENT-ONLY LICENSE; (11) PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION OBTAINED BY THE WILDLIFE RESOURCES COMMISSION, THE MARINE FISHERIES COMMISSION, AND THE DIVISION OF MARINE FISHERIES; (12) AUTHORIZE THE MARINE FISHERIES COMMISSION TO EXEMPT CERTAIN ORGANIZED FISHING EVENTS FROM LICENSE REQUIREMENTS; AND (13) CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN.

S.B. 1833, AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR MEMORIAL SERVICE OR ANY OTHER FUNERAL OR MEMORIAL SERVICE.

S.B. 2043, AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY CHANGING THE REGISTRATION FEES FOR MORTGAGE LICENSING AND RENEWAL AND BY AUTHORIZING THE COMMISSIONER TO PARTICIPATE IN A NATIONAL LICENSING SYSTEM AND DATABASE.

H.B. 914, 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, TO MAKE CONFORMING CHANGES, AND TO REPEAL VARIOUS STATUTES AND SESSION LAWS.

H.B. 1231, AN ACT TO PROTECT CONSUMERS FROM EXTREME PRICING PRACTICES.

H.B. 1848, AN ACT TO AUTHORIZE THE COLLECTION OF OFFENDER FINES AND FEES ASSESSED BY THE GENERAL COURT OF JUSTICE BY CREDIT CARD, CHARGE CARD, OR DEBIT CARD; TO AUTHORIZE THE USE OF ELECTRONIC FILING IN THE TRIAL COURTS; TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE THE JUDICIAL DEPARTMENT WITH CRIMINAL BACKGROUND CHECKS FROM THE STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORIES; TO ESTABLISH A PERMANENCY MEDIATION PROGRAM; TO AMEND THE LAW PROVIDING FOR FOREIGN LANGUAGE INTERPRETERS IN THE COURTS; TO AUTHORIZE THE ESTABLISHMENT OF CERTAIN POSITIONS WITHIN THE JUDICIAL DEPARTMENT; TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE SIX ADDITIONAL MEMBERS OF THE COMMISSION; AND TO MAKE TECHNICAL CORRECTIONS AND ADJUSTMENTS TO PROVISIONS AFFECTING THE COURTS.

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H.B. 2037, AN ACT TO CLARIFY MEDICAID REIMBURSEMENTS FOR OCULAR PROSTHETISTS.

H.B. 2885, AN ACT RELATING TO THE FILING PERIOD FOR EMPLOYERS TO PROTEST UNEMPLOYMENT INSURANCE CLAIMS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1351, AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MORVEN TOWN COUNCIL AND FOUR-YEAR TERMS FOR THE MAYOR OF THE TOWN OF MORVEN.

S.B. 1804, AN ACT TO AUTHORIZE THE TOWNS OF TRYON AND BOILING SPRINGS TO LEVY A ROOM OCCUPANCY TAX.

H.B. 2027, AN ACT TO ALLOW THE TOWNS OF BENSON, CASWELL BEACH, CHADBOURN, AND TABOR CITY TO REGULATE GOLF CARTS.

H.B. 2339, AN ACT TO ALLOW DAVIE, AND LINCOLN COUNTIES TO REQUIRE THAT ALL TAXES BE PAID ON REAL PROPERTY BEFORE THE REGISTER OF DEEDS MAY RECORD A DEED TRANSFERRING THAT PROPERTY AND BEFORE A BUILDING PERMIT MAY BE ISSUED WITH RESPECT TO THAT 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:

H.B. 350, AN ACT TO AUTHORIZE MARTIN COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES. (Became law upon ratification, July 19, 2006 - S.L. 2006-127.)

H.B. 882, AN ACT CREATING A TAXING DISTRICT IN OCRACOKE TOWNSHIP FOR THE PURPOSE OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, July 19, 2006 - S.L. 2006-128.)

H.B. 1269, AN ACT TO AUTHORIZE CHOWAN COUNTY TO LEVY AN ADDITIONAL TWO PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES. (Became law upon ratification, July 19, 2006 - S.L. 2006-129.)

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H.B. 1820, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES. (Became law upon ratification, July 19, 2006 - S.L. 2006-130.)

H.B. 2402, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW FAIR HOUSING ORGANIZATIONS TO FILE COMPLAINTS WITH THE DURHAM HUMAN RELATIONS COMMISSION. (Became law upon ratification, July 19, 2006 - S.L. 2006-131.)

H.B. 2591, AN ACT AUTHORIZING THE BLADEN COUNTY SCHOOLS TO CONVEY PROPERTY. (Became law upon ratification, July 19, 2006 - S.L. 2006-132.)

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hagan for the **Appropriations/Base Budget Committee**:

H.B. 2727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE BOXING 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 30636, which changes the title upon concurrence to read **H.B. 2727** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW CONCERNING THE NORTH CAROLINA GRAPE GROWERS COUNCIL, 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.

H.B. 1417 (Senate 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 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, 80686, which changes the title upon concurrence to read **H.B. 1417** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT RELATING TO REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS, is adopted and engrossed.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1373** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE

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THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; TO AUTHORIZE THE DIVISION TO ISSUE AN INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS SPECIAL PLATE TO A SURVIVING SPOUSE; AND TO REPEAL THE SUNSET ON THE HARLEY OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES, 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 1373, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; TO AUTHORIZE THE DIVISION TO ISSUE AN INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS SPECIAL PLATE TO A SURVIVING SPOUSE; AND TO REPEAL THE SUNSET ON THE HARLEY OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES, House Committee Substitute Favorable 7/6/06, submit the following report:

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The Senate and House agree to the following amendment to the House Committee Substitute Favorable 7/6/06, and the Senate concurs in the House Committee Substitute as amended:

On page 1, line 17, by deleting the word "AND";

And on page 1, line 19, by rewriting the line to read:
"PLATES; AND TO AMEND THE RETIRED HIGHWAY
PATROL SPECIAL PLATE.";

And on page 2, line 30, by removing the quotation marks at the end of that line and by adding the following new subdivision immediately after that line to read:

"(20) Fox Hunting.";

And on page 3, lines 9 and 10, by rewriting the lines to read:
"The plate may bear a phrase and a picture representing
fox hunting. The";

And on page 4, line 19, by adding the following immediately after that line to read:

"(36a) Retired Highway Patrol. – The plate authorized by this subdivision shall bear the phrase "SHP, Retired." The Division may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate. The plate is issuable to one of the following:

- a. An individual who has retired from the North Carolina Highway Patrol.
- b. The surviving spouse of a person who had a retired highway patrol plate at the time of death so long as the surviving spouse continues to renew the plate and does not remarry.
- c. The surviving spouse of a person who qualified for a retired highway patrol plate so long as the surviving spouse applies for the plate within ninety (90) days of the qualifying spouse's death and does not remarry.

...".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 20, 2006.

Conferees for the Senate

Conferees for the House of Representatives

S/Tony Rand, Chair
S/David W. Hoyle

S/Rick Glazier, Chair
S/Arthur Williams

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S/Jerry W. Tillman

S/James W. Crawford, Jr.
S/Alice Graham Underhill
S/William L. Wainwright
S/Doug Vinson

Upon motion of Senator Rand, the rules are suspended and the Conference Report, which changes the title, is placed on today's Calendar for adoption.

CALENDAR *(continued)*

H.B. 88 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED 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 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.

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 Dalton.

Senator Berger of Rockingham offers Amendment No. 2 which fails of adoption (21-25).

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.

RECONSIDERATION

H.B. 2164, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Having voted with the majority, Senator Webster offers a motion that the vote by which the bill passed its second reading earlier today be reconsidered, which motion fails (11-35).

CALENDAR *(continued)*

H.B. 966 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISCLOSURE OF CANDIDATE-SPECIFIC COMMUNICATIONS.

Senator Rand offers Amendment No. 1 which is adopted (39-7).

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Senator Stevens offers Amendment No. 2 which is adopted (41-5).

The Senate Committee Substitute bill, as amended, passes its second (38-8) 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 20, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1621**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL SPECIAL INDEBTEDNESS FOR THE CONSTRUCTION OF UP TO FIVE YOUTH DEVELOPMENT CENTERS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR THE PURCHASE OF STATE GAME LANDS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR A PARKING FACILITY IN DOWNTOWN RALEIGH; AND TO EXEMPT SALES OF TIMBER FROM THE SERVICE CHARGE IMPOSED BY THE DEPARTMENT OF ADMINISTRATION, and requests conferees, Speaker Black appoints:

Representative Gibson, Chair
Representative Ross
Representative Hill, 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

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1621** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL SPECIAL INDEBTEDNESS FOR THE CONSTRUCTION OF UP TO FIVE YOUTH DEVELOPMENT CENTERS; TO AUTHORIZE

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SPECIAL INDEBTEDNESS FOR THE PURCHASE OF STATE GAME LANDS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR A PARKING FACILITY IN DOWNTOWN RALEIGH; AND TO EXEMPT SALES OF TIMBER FROM THE SERVICE CHARGE IMPOSED BY THE DEPARTMENT OF ADMINISTRATION, 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 1621, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL SPECIAL INDEBTEDNESS FOR THE CONSTRUCTION OF UP TO FIVE YOUTH DEVELOPMENT CENTERS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR THE PURCHASE OF STATE GAME LANDS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR A PARKING FACILITY IN DOWNTOWN RALEIGH; AND TO EXEMPT SALES OF TIMBER FROM THE SERVICE CHARGE IMPOSED BY THE DEPARTMENT OF ADMINISTRATION, House Committee Substitute Favorable 7/10/06, Fourth Edition Engrossed 7/13/06, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 7/10/06, Fourth Edition Engrossed 7/13/06, as amended:

on page 2, lines 35-36, by inserting the following between those lines:

"**SECTION 5.** The Department of Administration shall report to the Joint Legislative Commission on Governmental Operations no later than September 1, 2006, a description of how the parking structure described in Section 4 of this act fits with the Green Square Project authorized in S.L. 2005-255. The Department may combine this report with other reports required under law on the Green Square Project.";

and renumber the remaining section accordingly.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 20, 2006.

Conferees for the Senate

Conferees for the House of Representatives

S/David W. Hoyle, Chair
S/Tony Rand

S/Pryor Gibson, Chair
S/Deborah K. Ross
S/Dewey L. Hill
S/Joe Hackney

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Upon motion of Senator Hoyle, the rules are suspended and the Conference Report is placed on today's Calendar for adoption, upon second reading.

CALENDAR (*continued*)

H.B. 1896 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) CRIMINALIZE FALSE STATEMENTS TO THE STATE BUREAU OF INVESTIGATION; (5) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (6) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (7) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (8) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; AND (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS BY THE DIVISION OF MOTOR VEHICLES.

Senator Allran offers Amendment No. 1 which is adopted (46-0), and changes the title upon concurrence to read **H.B. 1896** (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) CRIMINALIZE FALSE STATEMENTS TO THE STATE BUREAU OF INVESTIGATION; (5) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (6) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (7) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (8) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; AND (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS BY THE DIVISION OF MOTOR VEHICLES, BY THE DIVISION OF MOTOR VEHICLES, AND SHALL BE KNOWN AS SEX OFFENDER REGISTRATION CHANGES/JESSICA'S LAW.

The Senate Committee Substitute bill No. 3, 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 No. 3.

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WITHDRAWAL FROM 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** on April 5, 2005.

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.

The joint resolution passes its second (44-0) and third readings and is ordered enrolled.

CONFERENCE REPORT

Senator Malone, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1862** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TEMPORARILY: (1) SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS FOR NITROGEN, (2) REQUIRE THAT NUTRIENT OFFSET PAYMENTS BE CALCULATED AS THEY WERE PRIOR TO CERTAIN RULE AMENDMENTS, AND (3) PROVIDE THAT THERE SHALL BE NO NUTRIENT OFFSET PROGRAM FOR PHOSPHORUS AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENT 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 Senate Bill 1862, A BILL TO BE ENTITLED AN ACT TO TEMPORARILY: (1) SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS FOR NITROGEN, (2) REQUIRE THAT NUTRIENT OFFSET PAYMENTS BE CALCULATED AS THEY WERE PRIOR TO CERTAIN RULE AMENDMENTS, AND (3) PROVIDE THAT THERE SHALL BE NO NUTRIENT OFFSET PROGRAM FOR PHOSPHORUS AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENT PROGRAM, House Committee Substitute Favorable 7/6/06, Third Edition, submit the following report:

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The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/6/06, Third Edition, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 7/6/06, Third Edition, and substitute the attached Proposed Conference Committee Substitute S1862-PCCS75572-RTf-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: 20 July 2006.

Conferees for the Senate

S/Vernon Malone, Chair
S/Clark Jenkins
S/John H. Kerr, III
S/Richard Y. Stevens
S/A.B. Swindell, IV

Conferees for the House of Representatives

S/Pryor A. Gibson, III, Chair
S/William G. Daughtridge, Jr.
S/Lucy T. Allen

The text of the attached Proposed Conference Committee Substitute, S1862-PCCS75572-RTf-2 is as follows:

A BILL TO BE ENTITLED

AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS, TO REQUIRE THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the per pound factors for nutrient offset payments established in 15A NCAC 2B.0240, as adopted by the Environmental Management Commission on 12 January 2006, the per pound factors for nutrient offset payments are established as follows:

- (1) Eleven dollars (\$11.00) per pound of nitrogen, calculated in accordance with the method used as of 1 January 2006, for determining pounds of nitrogen per acre.
- (2) Eleven dollars (\$11.00) per tenth of a pound of phosphorous.

SECTION 2. Study. – The Environmental Review Commission, with the assistance of the Division of Water Quality of the Department of Environment and Natural Resources, shall study issues related to the nutrient offset payment program. The Commission shall specifically study the costs

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associated with providing nutrient controls that are adequate to offset point source and nonpoint source discharges of nitrogen; whether nutrient offset payments should be authorized for additional nutrients, including phosphorus; and whether the nutrient offset program should be expanded to other areas of the State.

SECTION 3. Report. – The Environmental Review Commission shall report its findings, together with any recommended legislation, to the 2007 General Assembly upon its convening.

SECTION 4. The Division of Water Quality of the Department of Environment and Natural Resources must refund any fee paid in excess of the amount established under this act.

SECTION 5. This act becomes effective 1 August 2006, and applies to all nutrient offset payments, including those set out in 15A NCAC 2B.0240, as adopted by the Environmental Management Commission on 12 January 2006. This act expires 1 September 2007.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

CALENDAR (*continued*)

S.B. 1479 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT AND TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, for concurrence upon second reading.

Upon motion of Senator Hagan, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Bland, Boseman, Brock, Brown, Brunstetter, Cowell, Dannelly, Dorsett, East, Forrester, Goodall, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 21, for concurrence upon third reading.

S.B. 729 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT NEW MOTOR VEHICLE DEALERS FROM THE USED MOTOR VEHICLE DEALERS' COURSE REQUIREMENTS, for concurrence.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (44-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 948 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE BOATING SAFETY AND VESSEL TITLING LAW, for concurrence in House Amendment No. 1.

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Upon motion of Senator Hoyle, 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. 951 (House 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 OR TO PROVIDE COMPENSATION TO THE DISPLACED PRIVATE COMPANY.

Without objection, Senator Swindell 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 (44-1) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1280 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO ESTABLISH A PILOT PROGRAM TO EVALUATE THE USE OF TELEMONITORING EQUIPMENT FOR HOME AND COMMUNITY BASED RECIPIENTS, AND TO PROHIBIT THE ISSUING OF LICENSES FOR HOME CARE AGENCIES FOR ONE YEAR, for concurrence.

Upon motion of Senator Dannelly, the Senate concurs in the House Committee Substitute bill (44-1) and the bill is ordered enrolled and sent to the Governor by special message.

The Chair grants a leave of absence for the remainder of today's session to Senator Weinstein.

The Senate recesses at 1:11 P.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 1:21 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. 1059 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT INACCURACIES IN THE USE OF CERTAIN TERMS IN

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THE GENERAL STATUTES PERTAINING TO THE ADMINISTRATION OF A SCHOOL HEALTH EDUCATION 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 60863, which changes the title upon concurrence to read **H.B. 1059** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO CLARIFY ENROLLMENT IN THE PPO OPTIONAL PROGRAM ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 3 OF CHAPTER 135 OF THE GENERAL STATUTES; AND TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PERMIT A CERTAIN NUMBER OF LOCAL GOVERNMENTS OPTIONAL COVERAGE UNDER THE PLAN, is adopted and engrossed.

Upon the appearance of Senator Weinstein in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

WITHDRAWAL FROM COMMITTEE

S.B. 2010 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE OF AN AIRCRAFT AND TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES, for concurrence, referred to the **Finance Committee** on July 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Finance Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill be withdrawn from the **Finance Committee** and places it on today's Calendar for concurrence.

CALENDAR *(continued)*

H.B. 143 (Conference Report), A BILL TO BE ENTITLED AN ACT TO EXEMPT AGRI-TOURISM ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS, for adoption.

Upon motion of Senator Hoyle, 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.

S.B. 1216 (Conference Report), A BILL TO BE ENTITLED AN ACT TO (1) ALLOW LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE

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CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, AND (2) ALLOW ENTITIES DESIGNATED BY THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO SHARE INFORMATION WITH A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT IS RELEVANT TO AN ASSESSMENT OF REPORTS OF CHILD ABUSE, NEGLECT, AND DEPENDENCY BY A LOCAL DEPARTMENT OF SOCIAL SERVICES, for adoption.

Upon motion of Senator Boseman, the Senate adopts the Conference Report (45-0).

Pursuant to a message received on July 19 from the House of Representatives that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor by special message.

S.B. 2012 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE UNEMPLOYMENT TAX CONTRIBUTION RATE OF A BANKRUPT COMPANY WHOSE ASSETS ARE SOLD IN A BANKRUPTCY SALE IS NOT TRANSFERRED TO A COMPANY THAT BUYS THE ASSETS OF THE BANKRUPT COMPANY AND SHARES NO COMMON OWNERSHIP WITH THE BANKRUPT COMPANY, for adoption.

Upon motion of Senator Bingham, the Senate adopts the Conference Report (44-1).

Pursuant to a message received on July 19 from the House of Representatives that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor by special message.

S.B. 1436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW REGIONAL COUNCILS OF GOVERNMENT TO FINANCE REAL PROPERTY ACQUISITIONS AND IMPROVEMENTS AND TO MAKE REVISIONS RELATED TO TAX INCREMENT FINANCING, temporarily displaced earlier today, upon second reading.

Senator Nesbitt offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 31, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Bingham, Bland, Boseman, Brown, Clodfelter, Cowell, Dannelly, Dorsett, Graham, Hagan, Hartsell, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein—31.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brunstetter, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Presnell, Tillman and Webster—15.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Friday, July 21, upon third reading.

H.B. 749 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO

REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE, AND TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE, temporarily displaced earlier today, upon second reading.

The Senate Committee Substitute bill 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, Bland, Boseman, Brock, Brown, Brunstetter, Cowell, Dannelly, Dorsett, East, Forrester, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—42.

Voting in the negative: Senators Goodall, Pittenger and Webster—3.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 21, upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 2212 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOTTERY OVERSIGHT COMMITTEE.

Pursuant to the message from the House of Representatives received on July 19 that the House fails to concur in the Senate Committee Substitute bill for H.B. 2212 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Rand as the conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (*continued*)

S.B. 1373 (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL

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REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; TO AUTHORIZE THE DIVISION TO ISSUE AN INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS SPECIAL PLATE TO A SURVIVING SPOUSE; TO REPEAL THE SUNSET ON THE HARLEY OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES; AND TO AMEND THE RETIRED HIGHWAY PATROL SPECIAL PLATE, placed earlier on today's Calendar, for adoption.

Upon motion of Senator Rand, 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.

S.B. 1621 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL SPECIAL INDEBTEDNESS FOR THE CONSTRUCTION OF UP TO FIVE YOUTH DEVELOPMENT CENTERS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR THE PURCHASE OF STATE GAME LANDS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR A PARKING FACILITY IN DOWNTOWN RALEIGH; AND TO EXEMPT SALES OF TIMBER FROM THE SERVICE CHARGE IMPOSED BY THE DEPARTMENT OF ADMINISTRATION, 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 38, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Bland, Boseman, Brunstetter, Cowell, Dannelly, Dorsett, East, Forrester, Goodall, Graham, Hagan, Hartsell, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein—38.

Voting in the negative: Senators Allran, Berger of Rockingham, Brock, Brown, Jacumin, Pittenger and Webster—7.

The Conference Report remains on the Calendar for tomorrow, Friday, July 21, for adoption upon third reading.

S.B. 1862 (Conference Report), A BILL TO BE ENTITLED AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS, TO REQUIRE THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENTS, placed earlier on today's Calendar for adoption.

Upon motion of Senator Malone, the Senate adopts the Conference Report (39-3).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

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H.B. 2727 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW CONCERNING THE NORTH CAROLINA GRAPE GROWERS COUNCIL, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (41-4) 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. 2010 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE OF AN AIRCRAFT AND TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES, placed earlier on today's Calendar for concurrence.

Upon motion of Senator Hagan, the Senate fails to concur in the House Committee Substitute bill (1-44).

Senator Hagan offers a motion that the Senate appoint conferees, which motion prevails.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1025 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOL BEVERAGE CONTROL LAWS.

Pursuant to the message from the House of Representatives received on July 19 that the House fails to concur in the Senate Committee Substitute bill for H.B. 1025 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Rand, Chair, Senator Apodaca and Senator Hagan as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ADDITIONAL SPONSOR

Senator Pittenger requests to be added as a sponsor of previously introduced legislation:

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.

Upon motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns subject to receipt of messages from the House of Representatives, receipt of conference reports, appointment of conferees and ratification of bills to meet tomorrow, Friday, July 21, at 9:00 A.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
July 20, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1431** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX; AND (2) TO CREATE THE WILMINGTON CONVENTION CENTER DISTRICT; TO MODIFY THE DISTRIBUTION OF COUNTY AND CITY OCCUPANCY TAX PROCEEDS DERIVED FROM ACCOMMODATIONS LOCATED IN THE DISTRICT; TO CREATE THE NEW HANOVER COUNTY DISTRICT U; TO AUTHORIZE THE NEW HANOVER COUNTY DISTRICT U TO LEVY A THREE PERCENT OCCUPANCY TAX; AND TO MAKE ADMINISTRATIVE CHANGES TO THE WILMINGTON OCCUPANCY TAX; AND (3) TO AUTHORIZE CASWELL COUNTY AND THE TOWN OF YANCEYVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, and requests conferees, Speaker Black appoints:

Representative Wright, Chair
Representative McComas
Representative Nye, and
Representative Hill

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 2465, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION IN A LOCAL ACT TO CLARIFY THAT THE DISTRIBUTION PROCEDURE IS IN ACCORDANCE WITH 1977 LEGISLATION AS HAS BEEN THE CONTINUOUS PRACTICE SINCE THEN.

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Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 20, 2006

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 for **H.B. 1843**, A BILL TO BE ENTITLED AN ACT TO REVISE THE LEGISLATIVE ETHICS ACT AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL REFORM:

Representatives Harrison and Gibson are added as conferees.

Respectfully,
S/Denise G. Weeks
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 729, AN ACT TO EXEMPT NEW MOTOR VEHICLE DEALERS FROM THE USED MOTOR VEHICLE DEALERS' COURSE REQUIREMENTS.

S.B. 948, AN ACT TO MAKE VARIOUS AMENDMENTS TO THE BOATING SAFETY AND VESSEL TITLING LAW.

S.B. 951, 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 OR TO PROVIDE COMPENSATION TO THE DISPLACED PRIVATE COMPANY.

S.B. 1280, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO ESTABLISH A PILOT PROGRAM TO EVALUATE THE USE OF

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TELEMONITORING EQUIPMENT FOR HOME AND COMMUNITY BASED RECIPIENTS, AND TO PROHIBIT THE ISSUING OF LICENSES FOR HOME CARE AGENCIES FOR ONE YEAR.

S.B. 1584, AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO COVER INCREASED PROGRAM OPERATING COSTS AND THE COSTS OF ANY LEGISLATIVE SALARY INCREASE FOR PERSONNEL WHO ADMINISTER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 1099, AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT, COMMISSION, AUTHORITY, OR BOARD MAY CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO SATISFY THE REQUIREMENTS FOR CERTIFICATION OF LOCAL PROGRAMS FOR APPROVAL OF THE CONSTRUCTION OR ALTERATION OF THE DISTRIBUTION SYSTEM OF A PROPOSED OR EXISTING PUBLIC WATER SYSTEM.

H.B. 1860, AN ACT TO DIRECT THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE TO ESTABLISH AND APPOINT A STROKE ADVISORY COUNCIL.

H.B. 1891, AN ACT TO CLARIFY AND SIMPLIFY THE APPLICATION OF THE ADDITIONAL GROSS PREMIUMS TAXES ON FIRE AND LIGHTNING COVERAGE AND TO MAKE TECHNICAL AND CLARIFYING TAX LAW CHANGES.

H.B. 2699, AN ACT TO MAKE CHANGES TO THE VISION CARE PROGRAM.

H.B. 2882, AN ACT ALLOWING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO EXTEND THE PERIOD IN WHICH A LICENSE REMAINS IN EFFECT AFTER A PERSON LICENSED ON BEHALF OF A FIRM OR CORPORATION CEASES TO BE ASSOCIATED WITH THAT FIRM OR CORPORATION, AND CLARIFYING A GENERAL CONTRACTING EXCEPTION.

H.B. 2894, AN ACT TO CLARIFY THE APPLICATION OF THE NORTH CAROLINA CONSUMER FINANCE ACT TO VARIOUS LENDING SUBTERFUGES.

The Enrolling Clerk reports the following bill and resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 2468, AN ACT TO ALLOW THE TOWN OF CLARKTON TO REGULATE GOLF CARTS.

July 20, 2006

H.J.R. 1103, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANK EDWIN RHODES, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 23)

CONFERENCE REPORT

Senator Soles, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1431** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX; AND (2) TO CREATE THE WILMINGTON CONVENTION CENTER DISTRICT; TO MODIFY THE DISTRIBUTION OF COUNTY AND CITY OCCUPANCY TAX PROCEEDS DERIVED FROM ACCOMMODATIONS LOCATED IN THE DISTRICT; TO CREATE THE NEW HANOVER COUNTY DISTRICT U; TO AUTHORIZE THE NEW HANOVER COUNTY DISTRICT U TO LEVY A THREE PERCENT OCCUPANCY TAX; AND TO MAKE ADMINISTRATIVE CHANGES TO THE WILMINGTON OCCUPANCY TAX; AND (3) TO AUTHORIZE CASWELL COUNTY AND THE TOWN OF YANCEYVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT 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 1431, A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX; AND (2) TO CREATE THE WILMINGTON CONVENTION CENTER DISTRICT; TO MODIFY THE DISTRIBUTION OF COUNTY AND CITY OCCUPANCY TAX PROCEEDS DERIVED FROM ACCOMMODATIONS LOCATED IN THE DISTRICT; TO CREATE THE NEW HANOVER COUNTY DISTRICT U; TO AUTHORIZE THE NEW HANOVER COUNTY DISTRICT U TO LEVY A THREE PERCENT OCCUPANCY TAX; AND TO MAKE ADMINISTRATIVE CHANGES TO THE WILMINGTON OCCUPANCY TAX; AND (3) TO AUTHORIZE CASWELL COUNTY AND THE TOWN OF YANCEYVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, House Committee Substitute Favorable 7/13/06, Third Edition Engrossed 7/18/06, submit the following report:

The Senate concurs in the House Committee Substitute Favorable 7/13/06, Third Edition Engrossed 7/18/06, with the following amendments:

On page 1, lines 10-12, by rewriting the lines to read:
"WILMINGTON OCCUPANCY TAX.";

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On page 3, line 7, by rewriting the line to read:
"Troutman, West Jefferson, Wilkesboro, and Wrightsville Beach, and";

On page 6, line 19, by rewriting the line to read:
"2002-139, as amended. The proceeds in the account";

On page 13, line 39 through page 16, line 24, by deleting the lines and renumbering the remaining section accordingly.

The House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 20, 2006.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/R.C. Soles, Chair	S/Thomas Wright, Chair
Charles Albertson	S/Dewey Hill
S/Julia Boseman	S/Daniel McComas
S/David Weinstein	S/Edd Nye
S/Hugh Webster	

The Conference Report, which changes the title, is placed on the Calendar for tomorrow, Friday, July 21, for adoption upon second reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 20, 2006

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. 1621**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL SPECIAL INDEBTEDNESS FOR THE CONSTRUCTION OF UP TO FIVE YOUTH DEVELOPMENT CENTERS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR THE PURCHASE OF STATE GAME LANDS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR A PARKING FACILITY IN DOWNTOWN RALEIGH; AND TO EXEMPT SALES OF TIMBER FROM THE SERVICE CHARGE IMPOSED BY THE DEPARTMENT OF ADMINISTRATION.

July 20, 2006

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
July 20, 2006

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. 1431**, A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX; AND (2) TO CREATE THE WILMINGTON CONVENTION CENTER DISTRICT; TO MODIFY THE DISTRIBUTION OF COUNTY AND CITY OCCUPANCY TAX PROCEEDS DERIVED FROM ACCOMMODATIONS LOCATED IN THE DISTRICT; TO CREATE THE NEW HANOVER COUNTY DISTRICT U; TO AUTHORIZE THE NEW HANOVER COUNTY DISTRICT U TO LEVY A THREE PERCENT OCCUPANCY TAX; AND TO MAKE ADMINISTRATIVE CHANGES TO THE WILMINGTON OCCUPANCY TAX.

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

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 2010 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE OF AN AIRCRAFT AND TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES.

July 20, 2006

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 2010 earlier today and the motion by Senator Hagan to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hagan, Chair, Senator Bingham 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.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 542 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW REASONABLE ACCESS TO STATE FACILITIES AND EMPLOYEES FOR CERTAIN EMPLOYEE ASSOCIATIONS, for concurrence in the House Committee Substitute bill as amended.

Referred to the **State & Local Government Committee**.

S.B. 881 (House 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, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Friday, July 21.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 6:35 P.M.

ONE HUNDRED SEVENTY-SECOND DAY

Senate Chamber
Friday, July 21, 2006

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:

"Though it has been a long week, O God, much has been accomplished in the Senate. 'Do not grow weary of well-doing,' scripture reminds us. Grant safe journey and rest to all the Senate family as they return to their homes today. In your Holy name we pray, Amen."

July 21, 2006

The Chair grants leaves of absence for today to Senator Blake, Senator Cowell, Senator East, Senator Garrou, Senator Goodall, Senator Graham, Senator Hoyle, Senator Jenkins and Senator Soles.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Thursday, 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.

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. 448, AN ACT TO EXEMPT COMMUNITY COLLEGES FROM THE LAW GOVERNING SMOKING RESTRICTIONS. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-133.)

H.B. 1388, AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO ISSUE PERMITS TO ALIEN DEBT COLLECTORS. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-134.)

H.B. 1399, AN ACT TO MAKE CHANGES TO THE MOTOR VEHICLE LAWS CONCERNING WEIGHING OF WOOD RESIDUALS AND EXEMPTION FROM REGISTRATION FOR CERTAIN AGRICULTURAL VEHICLES, AND TO AUTHORIZE AGREEMENTS BETWEEN THE DEPARTMENT OF TRANSPORTATION AND LOCAL GOVERNMENTS TO EXPEDITE TRANSPORTATION PROJECTS. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-135.)

H.B. 1094, AN ACT TO ESTABLISH A PILOT PROGRAM TO STREAMLINE THE PROCESS FOR THE ISSUANCE OF AN IMPROVEMENT PERMIT OR AN AUTHORIZATION TO CONSTRUCT FOR AN ON-SITE SUBSURFACE WASTEWATER SYSTEM IN CERTAIN COUNTIES BY AUTHORIZING LOCAL HEALTH DEPARTMENTS, AUTHORIZED AGENTS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND LICENSED SOIL SCIENTISTS TO COMPLETE SOIL AND SITE EVALUATIONS IN THE PARTICIPATING COUNTIES. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-136.)

S.B. 700, AN ACT DIRECTING LOCAL BOARDS OF EDUCATION, CHARTER SCHOOLS, THE NORTH CAROLINA SCHOOL OF THE ARTS, AND THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS TO REQUIRE THE DISPLAY OF THE UNITED STATES AND NORTH CAROLINA FLAGS AND TO REQUIRE THAT

July 21, 2006

RECITATION OF THE PLEDGE OF ALLEGIANCE IS SCHEDULED ON A DAILY BASIS. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-137.)

H.B. 2127, AN ACT TO AUTHORIZE THE ADDITION OF MOUNTAIN BOG STATE NATURAL AREA AND SANDY RUN SAVANNAS STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE PARK AT CABIN LAKE. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-138.)

S.B. 1156, AN ACT TO ESTABLISH THE NORTH CAROLINA DAIRY STABILIZATION AND GROWTH FUND TO PROVIDE CRITICAL SUPPORT FOR THE NORTH CAROLINA DAIRY INDUSTRY. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-139.)

S.B. 774, AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE USE OF SEAT BELTS. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-140.)

H.B. 2651, AN ACT TO PROVIDE FOR ROTH 401K CONTRIBUTIONS FOR LAW ENFORCEMENT OFFICERS. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-141.)

H.B. 2077, AN ACT TO MAKE CHANGES WITH RESPECT TO THE IMPLEMENTATION OF MENTAL HEALTH REFORM. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-142.)

H.B. 1502, AN ACT TO ENACT THE SCHOOLCHILDREN'S HEALTH ACT OF 2006. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-143.)

H.B. 1301, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO REQUIRE LICENSEES TO DEMONSTRATE CONTINUING COMPETENCE IN THE PRACTICE OF PHYSICAL THERAPY, AND STRENGTHENING THE AUTHORITY OF THE NORTH CAROLINA MEDICAL BOARD TO DISCIPLINE PHYSICIANS AND CERTAIN OTHERS, AND DESIGNATING INFORMATION RELEASED TO PATIENT SAFETY ORGANIZATIONS AS CONFIDENTIAL, AND ALLOWING CERTAIN GROUPS TO PRACTICE AS PROFESSIONAL CORPORATIONS. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-144.)

S.B. 277, AN ACT TO PROVIDE FOR A VOLUNTARY MEDIATION PROGRAM FOR RESIDENTIAL PROPERTY INSURANCE CLAIMS

July 21, 2006

CAUSED BY DISASTERS, TO REQUIRE SELLERS OF PROPERTY INSURANCE TO DISCLOSE MAJOR PERILS THAT ARE NOT COVERED, TO PROVIDE FOR THE TOLLING OF TIME PERIODS IN PROPERTY INSURANCE POLICIES IN DISASTER SITUATIONS, TO PROVIDE FOR THE TOLLING OF TIME PERIODS IF THE OPERATIONS OF THE DEPARTMENT OF INSURANCE ARE INTERRUPTED BY FORCE MAJEURE, AND TO AUTHORIZE MOTOR VEHICLE SELF-INSURANCE FOR CERTAIN RELIGIOUS ORGANIZATIONS. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-145.)

S.B. 1809, 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 AND TO MAKE REVISIONS TO PREVIOUSLY AUTHORIZED INDEBTEDNESS FOR VARIOUS CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA. (Became law upon approval of the Governor, July 19, 2006 - S.L. 2006-146.)

S.B. 1351, AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MORVEN TOWN COUNCIL AND FOUR-YEAR TERMS FOR THE MAYOR OF THE TOWN OF MORVEN. (Became law upon ratification, July 20, 2006 - S.L. 2006-147.)

S.B. 1804, AN ACT TO AUTHORIZE THE TOWNS OF TRYON AND BOILING SPRINGS TO LEVY A ROOM OCCUPANCY TAX. (Became law upon ratification, July 20, 2006 - S.L. 2006-148.)

H.B. 2027, AN ACT TO ALLOW THE TOWNS OF BENSON, CASWELL BEACH, CHADBOURN, AND TABOR CITY TO REGULATE GOLF CARTS. (Became law upon ratification, July 20, 2006 - S.L. 2006-149.)

H.B. 2339, AN ACT TO ALLOW DAVIE, AND LINCOLN COUNTIES TO REQUIRE THAT ALL TAXES BE PAID ON REAL PROPERTY BEFORE THE REGISTER OF DEEDS MAY RECORD A DEED TRANSFERRING THAT PROPERTY AND BEFORE A BUILDING PERMIT MAY BE ISSUED WITH RESPECT TO THAT PROPERTY. (Became law upon ratification, July 20, 2006 - S.L. 2006-150.)

H.B. 2047, AN ACT TO PROMOTE CONSUMER CHOICE IN VIDEO SERVICE PROVIDERS AND TO ESTABLISH UNIFORM TAXES FOR VIDEO PROGRAMMING SERVICES. (Became law upon approval of the Governor, July 20, 2006 - S.L. 2006-151.)

H.B. 2468, AN ACT TO ALLOW THE TOWN OF CLARKTON TO REGULATE GOLF CARTS. (Became law upon ratification, July 20, 2006 - S.L. 2006-152.)

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CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1431 (Conference Report), A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX; AND (2) TO CREATE THE WILMINGTON CONVENTION CENTER DISTRICT; TO MODIFY THE DISTRIBUTION OF COUNTY AND CITY OCCUPANCY TAX PROCEEDS DERIVED FROM ACCOMMODATIONS LOCATED IN THE DISTRICT; TO CREATE THE NEW HANOVER COUNTY DISTRICT U; TO AUTHORIZE THE NEW HANOVER COUNTY DISTRICT U TO LEVY A THREE PERCENT OCCUPANCY TAX; AND TO MAKE ADMINISTRATIVE CHANGES TO THE WILMINGTON OCCUPANCY TAX, for adoption upon second reading.

Upon motion of Senator Boseman, the Senate adopts the Conference Report on its second reading by roll-call vote (36-5):

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Bland, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Garwood, Hagan, Hartsell, Holloman, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Tillman and Weinstein—36.

Voting in the negative: Senators Brock, Forrester, Pittenger, Presnell and Webster—5.

The Conference Report remains on the Calendar for Tuesday, July 25, for adoption upon third reading.

S.B. 1436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW REGIONAL COUNCILS OF GOVERNMENT TO FINANCE REAL PROPERTY ACQUISITIONS AND IMPROVEMENTS AND TO MAKE REVISIONS RELATED TO TAX INCREMENT FINANCING, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 34, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Bland, Boseman, Brown, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garwood, Hagan, Hartsell, Holloman, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell and Weinstein—34.

Voting in the negative: Senators Brock, Brunstetter, Hunt, Jacumin, Pittenger, Tillman and Webster—7.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message.

H.B. 749 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO

ENTER INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE, AND TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 39, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Bland, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garwood, Hagan, Hartsell, Holloman, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Tillman and Weinstein—39.

Voting in the negative: Senators Brock and Webster—2.

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. 1413 (Senate Committee Substitute No. 2), 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 AND TO ALLOW LOCAL GOVERNMENT EMPLOYEES TO STAND IN, ON, OR NEAR A PUBLIC STREET OR HIGHWAY OWNED, LEASED, OR CONTROLLED BY THE STATE TO SOLICIT CHARITABLE CONTRIBUTIONS SO LONG AS THE PERSON SOLICITING IS AN EMPLOYEE OR AGENT OF THE LOCAL GOVERNMENT AND MEETS CERTAIN RESTRICTIONS AND GUIDELINES, upon third reading.

The Senate Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garwood, Hagan, Hartsell, Holloman, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Tillman, Webster and Weinstein—41.

Voting in the negative: None.

The Senate Committee Substitute No. 2 bill is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 2.

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H.B. 2164, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 33, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Bland, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Garwood, Hagan, Hartsell, Holloman, Hunt, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Tillman and Weinstein—33.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, Forrester, Jacumin, Pittenger, Presnell and Webster—8.

The bill is ordered enrolled and sent to the Governor by special message.

H.B. 1059 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO CLARIFY ENROLLMENT IN THE PPO OPTIONAL PROGRAM ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 3 OF CHAPTER 135 OF THE GENERAL STATUTES; AND TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PERMIT A CERTAIN NUMBER OF LOCAL GOVERNMENTS OPTIONAL COVERAGE UNDER THE PLAN.

Senator Rand offers Amendment No. 1 which is adopted (41-0).

The Senate Committee Substitute bill, as amended, passes its second (41-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1417 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT RELATING TO REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS.

Upon motion of Senator Weinstein, the President orders, without objection, the Senate Committee Substitute bill No. 2 temporarily displaced.

S.B. 1479 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT AND TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hagan, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Bland,

Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garwood, Hagan, Hartsell, Holloman, Hunt, Jacumin, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Tillman, Webster and Weinstein—41.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor by special message.

S.B. 881 (House 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.

Upon motion of Senator Rand, the President orders, without objection, the House Committee Substitute bill No. 2 temporarily displaced.

S.B. 1621 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL SPECIAL INDEBTEDNESS FOR THE CONSTRUCTION OF UP TO FIVE YOUTH DEVELOPMENT CENTERS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR THE PURCHASE OF STATE GAME LANDS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR A PARKING FACILITY IN DOWNTOWN RALEIGH; AND TO EXEMPT SALES OF TIMBER FROM THE SERVICE CHARGE IMPOSED BY THE DEPARTMENT OF ADMINISTRATION, for adoption upon third reading.

Upon motion of Senator Rand, the Senate adopts the Conference Report on its third reading, by roll-call vote, ayes 37, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garwood, Hagan, Hartsell, Holloman, Hunt, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Presnell, Purcell, Rand, Shaw, Smith, Snow, Stevens, Swindell, Tillman and Weinstein—37.

Voting in the negative: Senators Berger of Rockingham, Jacumin, Pittenger and Webster—4.

Pursuant to a message received from the House of Representatives on July 20 that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor by special message.

H.B. 1417 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT RELATING TO REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS, temporarily displaced earlier today.

Senator Weinstein offers Amendment No. 1 which is adopted (40-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second (41-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 881 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE PENALTIES FOR OPERATING A MOTOR VEHICLE

July 21, 2006

WITHOUT HAVING IN FULL FORCE AND EFFECT A LIABILITY INSURANCE POLICY PROVIDING FINANCIAL RESPONSIBILITY, temporarily displaced earlier today.

Upon motion of Senator Brunstetter, the Senate concurs in the House Committee Substitute bill No. 2 (40-1) and the bill is ordered enrolled and sent to the Governor by special message.

WITHDRAWAL FROM CLERK'S OFFICE

H.B. 2465, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION IN A LOCAL ACT TO CLARIFY THAT THE DISTRIBUTION PROCEDURE IS IN ACCORDANCE WITH 1977 LEGISLATION AS HAS BEEN THE CONTINUOUS PRACTICE SINCE THEN, ordered held in the Office of the Principal Clerk on Thursday, July 20, pending referral.

Upon motion of Senator Rand, the bill is withdrawn from the Office of the Principal Clerk and placed on the Calendar for immediate consideration.

The bill passes its second (40-0) and third readings and is ordered enrolled.

Upon motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns in memory of all of the ladies named "Bebe", subject to receipt of messages from the House of Representatives and receipt of conference reports, to meet Tuesday, July 25, at 9:00 A.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1122 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE LAND AND WATER CONSERVATION STUDY COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 25, for concurrence.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:37 P.M.

ONE HUNDRED SEVENTY-THIRD DAY

Senate Chamber
Tuesday, July 25, 2006

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 Vernon Malone who presides in the absence of the Lieutenant Governor.

July 25, 2006

Prayer is offered by Mr. E. Wayne White, Staff Member in the Senate Principal Clerk's office, as follows:

"O Lord, our heavenly Father, Almighty and everlasting God, who hast safely brought us to the beginning of this day, defend us in the same with thy mighty power and grant that this day we fall into no sin, neither run into any kind of danger, but that all our doings, being ordered by thy governance, may be righteous in thy sight. Through Jesus Christ our Lord, Amen."

Taken from the "Episcopal Book of Common Prayer"

The Chair grants leaves of absence for today to Senator Garrou and Senator Jenkins.

Senator Stevens announces that the Journal of Friday, 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.

The Chair extends the privileges of the floor to Cassandra Lindsey from White Oak, 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. 1151, AN ACT TO PROVIDE FOR INSTRUCTIONAL PLANNING TIME AND A DUTY-FREE LUNCH PERIOD FOR TEACHERS. (Became law upon approval of the Governor, July 23, 2006 - S.L. 2006-153.)

H.B. 1987, AN ACT TO MAKE CHANGES TO THE STATUTORY BASIC AND STANDARD HEALTH PLANS FOR SMALL EMPLOYERS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HEALTH CARE. (Became law upon approval of the Governor, July 23, 2006 - S.L. 2006-154.)

H.B. 2188, AN ACT TO PROVIDE FOR A PROCEDURE FOR CHALLENGING THE QUALIFICATIONS OF A CANDIDATE. (Became law upon approval of the Governor, July 23, 2006 - S.L. 2006-155.)

H.B. 2576, AN ACT TO INCREASE THE NUMBER OF ASSIGNMENTS TO THE SPECIAL ASSISTANCE IN-HOME PROGRAM OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Became law upon approval of the Governor, July 23, 2006 - S.L. 2006-156.)

H.B. 2868, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO LEASE CERTAIN PROPERTY ON THE MAINLAND

July 25, 2006

SIDE OF THE HOLDEN BEACH BRIDGE. (Became law upon approval of the Governor, July 23, 2006 - S.L. 2006-157.)

H.B. 2883, AN ACT TO PROTECT MILITARY SERVICEMEMBERS AND VETERANS FROM IDENTITY THEFT. (Became law upon approval of the Governor, July 23, 2006 - S.L. 2006-158.)

S.B. 491, AN ACT TO TRANSFER THE ASSETS OF THE BUTNER WATER AND SEWER SYSTEM TO THE SOUTH GRANVILLE WATER AND SEWER AUTHORITY, AND TO PROVIDE THAT BUTNER PUBLIC SAFETY SHALL BE CONSIDERED THE EQUIVALENT OF A MUNICIPAL POLICE DEPARTMENT FOR PURPOSES OF THE LAWS PROVIDING FOR COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES AND ASSISTANCE TO STATE LAW ENFORCEMENT AGENCIES. (Became law upon approval of the Governor, July 23, 2006 - S.L. 2006-159.)

H.B. 2880, AN ACT TO PREVENT A PERSON WHO IS GUILTY OF PASSING A STOPPED SCHOOL BUS FROM RECEIVING A PRAYER FOR JUDGMENT CONTINUED. (Became law upon approval of the Governor, July 23, 2006 - S.L. 2006-160.)

H.B. 1845, AN ACT TO RESTRICT THE USE OF CONTRIBUTIONS TO CANDIDATES AND CANDIDATES' CAMPAIGN FUNDS TO THOSE RELATED TO CAMPAIGNS AND OFFICE-HOLDING DUTIES; TO PROHIBIT PERSONAL USE OF CONTRIBUTIONS BY CANDIDATES AND CANDIDATE CAMPAIGN COMMITTEES; AND TO STRENGTHEN REPORTING REQUIREMENTS TO PREVENT VIOLATIONS. (Became law upon approval of the Governor, July 23, 2006 - S.L. 2006-161.)

H.B. 1963, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO IMPROVE THE COLLECTION AND ADMINISTRATION OF THE MOTOR FUEL TAX, AND TO AUTHORIZE A COUNTY THAT IMPOSES A SALES TAX FOR PUBLIC TRANSPORTATION TO LEVY A VEHICLE RENTAL TAX. (Became law without the approval of the Governor, July 24, 2006 - S.L. 2006-162.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 24, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 2010**, A BILL TO BE ENTITLED AN

July 25, 2006

ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE OF AN AIRCRAFT AND TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES, and requests conferees, Speaker Black appoints:

Representative Jones, Chair
Representative Jeffus
Representative Harrison, and
Representative Wiley

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 24, 2006

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. 1024**, 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.

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 24, 2006

Madame President:

July 25, 2006

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. 1827**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL CONTRACTOR'S LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO CLARIFY A GENERAL CONTRACTING EXCEPTION, and requests conferees.

Speaker Black has appointed:

Representative Cole, Chair
Representative Wainwright
Representative Carney
Representative Ed Jones
Representative Parmon
Representative Faison, and
Representative Hall

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 24, 2006

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. 1896**, A BILL TO BE ENTITLED AN ACT TO ADD STATUTORY RAPE OF A THIRTEEN- , FOURTEEN- , OR FIFTEEN-YEAR OLD BY A PERSON AT LEAST SIX YEARS OLDER TO THE LIST OF OFFENSES REQUIRING SEX OFFENDER REGISTRATION; TO REQUIRE OFFENDERS TO PROVIDE IN-PERSON REGISTRATION, ANNUAL VERIFICATION, AND NOTIFICATION OF CHANGES; TO REQUIRE NOTIFICATION TO AN OFFENDER'S REGISTERING SHERIFF OF AN OFFENDER'S OUT-OF-COUNTY EMPLOYMENT WHERE A TEMPORARY RESIDENCE IS ESTABLISHED; TO PROVIDE AN OFFENDER OF EARLIER NOTICE OF HIS ANNUAL

July 25, 2006

OBLIGATION TO VERIFY REGISTRATION; TO REQUIRE SHERIFFS TO TAKE PHOTOGRAPHS OF OFFENDERS AT THE TIME OF REGISTRATION; TO AUTHORIZE SHERIFFS TO VERIFY A REGISTRANT'S ADDRESS AND TO UPDATE A REGISTRANT'S PHOTOGRAPH; TO ADD A WILLFUL REQUIREMENT TO THE CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH THE REGISTRATION REQUIREMENTS UNDER G.S. 14-208.11; TO MAKE IT A CLASS H FELONY TO HARBOR OR OTHERWISE AID A SEX OFFENDER WHO IS IN NONCOMPLIANCE WITH THE REGISTRATION REQUIREMENTS; TO AUTHORIZE THE EXTENSION OF THE REGISTRATION PERIOD FOR UP TO TEN YEARS FOR WILLFUL FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS; TO MAKE IT A CLASS F FELONY FOR A SEX OFFENDER TO RESIDE WITHIN ONE THOUSAND FEET OF A PUBLIC OR NONPUBLIC SCHOOL, A CHILD CARE CENTER, OR A PUBLIC SWIMMING POOL; TO EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; AND TO AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS, and requests conferees.

Speaker Black has appointed:

Representative Goforth, Chair
Representative Michaux
Representative Glazier
Representative Ray, 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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 24, 2006

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

July 25, 2006

H.B. 2445, A BILL TO BE ENTITLED AN ACT TO AMEND THE OCCUPANCY TAX IN HALIFAX COUNTY.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Upon motion of Senator Cowell, seconded by Senator Hunt, the Senate adjourns subject to ratification of bills, receipt of messages from the House of Representatives and conference reports, and appointment of conferees, to meet Wednesday, July 26, at 4:00 P.M.

CONFERENCE REPORT

Senator Cowell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 489** (House 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, AND AMENDING CERTAIN LICENSURE REQUIREMENTS UNDER THE NORTH CAROLINA COSMETIC ART ACT, 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 489, 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, AND AMENDING CERTAIN LICENSURE REQUIREMENTS UNDER THE NORTH CAROLINA COSMETIC ART ACT, House Committee Substitute Favorable 6/22/06, Fourth Edition Engrossed 7/18/06, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute, House Committee Substitute Favorable 6/22/06, Fourth Edition Engrossed 7/18/06, and the Senate concurs in the House Committee Substitute as amended:

July 25, 2006

Delete the entire House Committee Substitute and substitute the attached proposed Conference Committee Substitute S489-PCCS15439-SQ-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 21, 2006.

Conferees for the Senate *Conferees for the House of Representatives*

S/Janet Cowell, Chair	S/Alice Graham Underhill, Chair
S/Stan Bingham	S/Timothy L. Spear
S/Fletcher L. Hartsell, Jr.	S/Laura I. Wiley

The text of the attached Proposed Conference Committee Substitute, S489-PCCS15439-SQ-2 is as follows:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE 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, AND TO AMEND CERTAIN LICENSURE REQUIREMENTS UNDER THE NORTH CAROLINA COSMETIC ART ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 88B-2 reads as rewritten:

"§ 88B-2. Definitions.

The following definitions apply in this Chapter:

- (1) Apprentice. – A person who is not a manager or operator and who is engaged in learning the practice of cosmetic art under the direction and supervision of a cosmetologist.
- (2) Board. – The North Carolina Board of Cosmetic Art Examiners.
- (3) Booth. – A workstation located within a licensed cosmetic art shop that is operated primarily by one individual in performing cosmetic art services for consumers.
- (4) Booth renter. – A person who rents a booth in a cosmetic art shop.
- (5) Cosmetic art. – All or any part or combination of cosmetology, esthetics, or manicuring, including ~~(i) the systematic massaging-manipulation with the hands or mechanical apparatus of the scalp, face, neck, shoulders, hands, and feet; feet, (ii) the use of cosmetic chemicals and preparations and antiseptics; (iii) manicuring, including the application of artificial nails; (iv) esthetics;~~

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- ~~or (v) cutting, coloring, cleansing, arranging, dressing, waving, and marcelling the hair, and the use of electricity for stimulating growth of hair. Practices included within this subdivision shall not include the practice of massage or bodywork therapy as set forth in Article 36 of Chapter 90 of the General Statutes.~~
- (6) Cosmetic art school. – Any building or part thereof where cosmetic art is taught.
- (7) Cosmetic art shop. – Any building or part thereof where cosmetic art is practiced for pay or reward, whether direct or indirect.
- (8) Cosmetologist. – Any individual who is licensed to practice all parts of cosmetic art.
- (8a) Cosmetology. – The act of arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of a person by any means, including the use of hands, mechanical or electrical apparatus, or appliances or by use of cosmetic or chemical preparations or antiseptics.
- (9) Cosmetology teacher. – An individual licensed by the Board to teach all parts of cosmetic art.
- (10) Esthetician. – An individual licensed by the Board to practice only that part of cosmetic art that constitutes skin care.
- (11) Esthetician teacher. – An individual licensed by the Board to teach only that part of cosmetic art that constitutes skin care.
- (11a) Esthetics. – Refers to any of the following practices: giving facials; applying makeup; performing skin care; removing superfluous hair from the body of a person by use of creams, tweezers, or waxing; applying eyelashes to a person, including the application of eyelash extensions, brow or lash color; beautifying the face, neck, arms, or upper part of the human body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; surface manipulation in relation to skin care; or cleaning or stimulating the face, neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of hands, devices, apparatus, or appliances along with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.
- (12) Manicuring. – The care and treatment of the fingernails, toenails, cuticles on fingernails and toenails, and the hands and feet, including the decoration of the fingernails and the application of nail extensions and artificial nails. The term "manicuring" shall not include the treatment of pathologic conditions.
- (13) Manicurist. – An individual licensed by the Board to practice only that part of cosmetic art that constitutes manicuring.

- (14) Manicurist teacher. – An individual licensed by the Board to teach manicuring.
- (15) Shampooing. – The application and removal of commonly used, room temperature, liquid hair cleaning and hair conditioning products. Shampooing does not include the arranging, dressing, waving, coloring, or other treatment of the hair."

SECTION 2. G.S. 88B-18 reads as rewritten:

"§ 88B-18. Examinations.

(a) ~~Each applicant for any examination shall file an application with the Board, on a form approved by the Board, which shall be verified by the applicant under oath, and the applicant shall pay the required examination fee. Applications shall be filed at least 30 days before the requested examination date.~~

(b) Each examination shall have both a practical and a written portion.

(c) Examinations for applicants for apprentice, cosmetologist, teacher, esthetician, and manicurist licenses shall be given in at least three locations in the State that are geographically scattered. The examinations shall be administered in ~~the Board's office or in a publicly supported two year postsecondary educational institution with appropriate facilities. The Board shall reimburse an institution, if requested, for the use of its facilities in administering examinations.~~ Board-approved facilities.

(d) An applicant for a ~~cosmetologist~~ cosmetologist, esthetician, manicurist, or teacher's license who fails to pass the examination three times may not reapply to take the examination again until after the applicant has successfully completed any additional requirements prescribed by the Board."

SECTION 3. G.S. 88B-9 reads as rewritten:

"§ 88B-9. Qualifications for licensing as an esthetician.

The Board shall issue a license to practice as an esthetician to any individual who meets all of the following requirements:

- (1) Successful completion of at least 600 hours of an ~~esthetician~~ esthetics curriculum in an approved cosmetic art school.
- (2) Passage of an examination conducted by the Board.
- (3) Payment of the fees required by G.S. 88B-20."

SECTION 4. G.S. 88B-22 reads as rewritten:

"§ 88B-22. Licenses required; criminal penalty.

(a) Except as provided in this Chapter, no person may practice or attempt to practice cosmetic art for pay or reward in any form, either directly or indirectly, without being licensed as an apprentice, cosmetologist, esthetician, or manicurist by the Board.

(b) Except as provided in this Chapter, no person may practice cosmetic art or any part of cosmetic art, for pay or reward in any form, either directly or indirectly, outside of a licensed cosmetic art shop.

(c) No person may open or operate a cosmetic art shop in this State unless a license has been issued by the Board for that shop.

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(d) An individual licensed as an esthetician or manicurist may practice only that part of cosmetic art for which the individual is licensed.

(d1) No person may teach cosmetic art in a Board-approved cosmetic art school unless the person is a teacher licensed under this Chapter. A guest lecturer may be exempt from the requirements of this subsection upon approval by the Board.

(e) An apprentice licensed under the provisions of this Chapter shall apprentice under the direct supervision of a cosmetologist. An apprentice shall not operate a cosmetic art shop.

(f) A violation of this Chapter is a Class 3 misdemeanor."

SECTION 5. G.S. 88B-11 reads as rewritten:

"§ 88B-11. Qualifications for licensing teachers.

(a) Applicants for any teacher's license issued by the Board shall meet all of the following requirements:

- (1) Possession of a high school diploma or a high school graduation equivalency certificate.
- (2) Payment of the fees required by G.S. 88B-20.

(b) The Board shall issue a license to practice as a cosmetology teacher to any individual who meets the requirements of subsection (a) of this section and who meets all of the following:

- (1) Holds in good standing a cosmetologist license issued by the Board.
- (2) Submits proof of either practice of cosmetic art in a cosmetic art ~~shop—shop, or any Board-approved employment capacity in the cosmetic arts industry,~~ for a period equivalent to five years of full-time work immediately prior to application or successful completion of at least 800 hours of a cosmetology teacher curriculum in an approved cosmetic art school.
- (3) Passes an examination for cosmetology teachers conducted by the Board.

(c) The Board shall issue a license to practice as an esthetician teacher to any individual who meets the requirements of subsection (a) of this section and who meets all of the following:

- (1) Holds in good standing a cosmetologist or an esthetician license issued by the Board.
- (2) Submits proof of either practice as an esthetician in a cosmetic art ~~shop—shop, or any Board-approved employment capacity in the cosmetic arts industry,~~ for a period equivalent to three years of full-time work immediately prior to application or successful completion of at least 650 hours of an esthetician teacher curriculum in an approved cosmetic art school.
- (3) Passes an examination for esthetician teachers conducted by the Board.

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(d) The Board shall issue a license to practice as a manicurist teacher to any individual who meets the requirements of subsection (a) of this section and who meets all of the following:

- (1) Holds in good standing a cosmetologist or manicurist license issued by the Board.
- (2) Submits proof of either practice as a manicurist in a cosmetic art ~~shop~~ shop, or any Board-approved employment capacity in the cosmetic arts industry, for a period equivalent to two years of full-time work immediately prior to application or successful completion of at least 320 hours of a manicurist teacher curriculum in an approved cosmetic art school.
- (3) Passes an examination for manicurist teachers conducted by the Board."

SECTION 6. G.S. 88B-21(e) reads as rewritten:

"(e) Prior to renewal of a license, a teacher, cosmetologist, esthetician, or manicurist shall annually complete eight hours of Board-approved continuing education for each year of the licensing cycle. A cosmetologist may complete up to 24 hours of required continuing education at any time within the cosmetologist's three-year licensing cycle. Licensees shall submit written documentation to the Board showing that they have satisfied the requirements of this subsection. A licensee who is in active practice as a cosmetologist, esthetician, or manicurist, has practiced for at least 10 consecutive years in that profession and is 60 years of age or older does not have to meet the continuing education requirements of this subsection. A licensee who is in active practice as a cosmetologist and, as of October 1, 2004, has at least 20 consecutive years of experience as a cosmetologist, does not have to meet the continuing education requirements of this subsection, but shall report any continuing education classes completed to the Board, whether the continuing education classes are Board-approved or not. Promotion of products and systems shall be allowed at continuing education given in-house or at trade shows. Continuing education classes may also be offered in secondary languages as needed. No member of the Board may offer continuing education courses as required by this section."

SECTION 7. This act is effective when it becomes law.

The Conference Report, which changes the title, is placed on the Calendar for Wednesday, July 26, for adoption.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1896 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL

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BATTERY; (4) CRIMINALIZE FALSE STATEMENTS TO THE STATE BUREAU OF INVESTIGATION; (5) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (6) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (7) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (8) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; AND (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS BY THE DIVISION OF MOTOR VEHICLES, AND SHALL BE KNOWN AS SEX OFFENDER REGISTRATION CHANGES/JESSICA'S LAW.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill No. 3 for H.B. 1896 and requests conferees, Senator Boseman, Chair; Senator Clodfelter; Senator Rand; and Senator Stevens are appointed 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. 1827 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL CONTRACTOR'S LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO CLARIFY A GENERAL CONTRACTING EXCEPTION, AND TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES IN HIGHWAY CONSTRUCTION.

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. 1827 and requests conferees, Senator Dannelly, Chair; Senator Apodaca; Senator Dorsett; and Senator Jenkins are appointed 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 Honorable Beverly E. Perdue, Lieutenant Governor, is in the Chamber at 4:15 P.M. to ratify bills.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

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S.B. 881, 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.

S.B. 1216, AN ACT TO (1) ALLOW LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, AND (2) ALLOW ENTITIES DESIGNATED BY THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO SHARE INFORMATION WITH A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT IS RELEVANT TO AN ASSESSMENT OF REPORTS OF CHILD ABUSE, NEGLECT, AND DEPENDENCY BY A LOCAL DEPARTMENT OF SOCIAL SERVICES.

S.B. 1479, AN ACT TO ENACT THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT AND TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

S.B. 1621, AN ACT TO AUTHORIZE ADDITIONAL SPECIAL INDEBTEDNESS FOR THE CONSTRUCTION OF UP TO FIVE YOUTH DEVELOPMENT CENTERS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR THE PURCHASE OF STATE GAME LANDS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR A PARKING FACILITY IN DOWNTOWN RALEIGH; AND TO EXEMPT SALES OF TIMBER FROM THE SERVICE CHARGE IMPOSED BY THE DEPARTMENT OF ADMINISTRATION.

S.B. 2012, AN ACT TO ENSURE THAT THE UNEMPLOYMENT TAX CONTRIBUTION RATE OF A BANKRUPT COMPANY WHOSE ASSETS ARE SOLD IN A BANKRUPTCY SALE IS NOT TRANSFERRED TO A COMPANY THAT BUYS THE ASSETS OF THE BANKRUPT COMPANY AND SHARES NO COMMON OWNERSHIP WITH THE BANKRUPT COMPANY.

H.B. 143, AN ACT TO EXEMPT AGRI-TOURISM ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS.

H.B. 767, AN ACT ESTABLISHING TARGET INCOMES FOR PUBLIC HOUSING AUTHORITIES.

H.B. 1523, AN ACT TO INCREASE THE AMOUNT OF THE PENALTIES THAT MAY BE ASSESSED FOR VIOLATION OF THE COASTAL AREA MANAGEMENT ACT.

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H.B. 1965, AN ACT TO RESTRICT THE STATUTORY PURPOSES FOR WHICH EMINENT DOMAIN MAY BE USED BY PRIVATE CONDEMNORS, LOCAL PUBLIC CONDEMNORS, AND OTHER PUBLIC CONDEMNORS, AND FOR CERTAIN REVENUE BOND PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EMINENT DOMAIN POWERS.

H.B. 2164, AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 2465, AN ACT TO MAKE A TECHNICAL CORRECTION IN A LOCAL ACT TO CLARIFY THAT THE DISTRIBUTION PROCEDURE IS IN ACCORDANCE WITH 1977 LEGISLATION AS HAS BEEN THE CONTINUOUS PRACTICE SINCE THEN.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 24, 2006

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. 1373** (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; TO AUTHORIZE THE DIVISION TO ISSUE AN INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS SPECIAL PLATE TO A SURVIVING SPOUSE; TO REPEAL THE SUNSET ON THE HARLEY

July 25, 2006

OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES; AND TO AMEND THE RETIRED HIGHWAY PATROL SPECIAL PLATE.

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. 1373 on July 20, 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
July 25, 2006

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. 1323**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION.

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 25, 2006

Madame President:

July 25, 2006

It is ordered that a message be sent your Honorable Body with the information that Speaker Pro Tempore Morgan has made the following changes to the Conference Committee for **S.B. 2010**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE OF AN AIRCRAFT AND TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES:

Representative Luebke has been added as a conferee.

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 25, 2006

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. 1059**, 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, and requests conferees. Speaker Pro Tempore Morgan has appointed:

Representative Wright, Chair
Representative Haire
Representative Nye
Representative Crawford
Representative Earle
Representative Brubaker, and
Representative Justus

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 25, 2006

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 25, 2006

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. 489**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE 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, AND TO AMEND CERTAIN LICENSURE REQUIREMENTS UNDER THE NORTH CAROLINA COSMETIC ART ACT.

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. 1295 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR CONSUMERS WHO RECEIVE UNSOLICITED FACSIMILES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 26, for concurrence.

S.B. 198 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2006, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 26, for concurrence.

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S.B. 1564 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING SANITARY LANDFILL FRANCHISE ORDINANCES AND AGREEMENTS TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED TO, AWARD SANITARY LANDFILL FRANCHISES; TO PROVIDE FOR THE AWARD OF PRELIMINARY FRANCHISES AS WELL AS FRANCHISES AND TO SPECIFY THE INFORMATION TO BE INCLUDED THEREIN; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE AWARDED ONLY AFTER ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO PROVIDE THAT FRANCHISES ARE AWARDED ONLY AFTER PUBLIC NOTICE OF THE LOCATION OF THE PROPOSED SANITARY LANDFILL; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES; AND TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES TO ANY APPLICATION FOR A PRELIMINARY FRANCHISE OR FRANCHISE THAT IS FILED WITH A LOCAL GOVERNMENT ON OR AFTER THAT DATE AND THAT THIS ACT DOES NOT AFFECT ANY FRANCHISE THAT HAS BEEN AWARDED AS OF THE DATE ON WHICH THIS ACT BECOMES EFFECTIVE UNLESS THE FRANCHISE PROVIDES FOR A FINAL VOTE OF THE GOVERNING BOARD OF THE LOCAL GOVERNMENT ON THE FRANCHISE AND THE FINAL VOTE OCCURS ON OR AFTER 1 NOVEMBER 2006, IN WHICH CASE THE PROVISIONS OF G.S. 130A-294(B1), AS AMENDED BY THIS ACT, APPLY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 26, for concurrence.

S.B. 1566 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS AND TO PROTECT WATER QUALITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 26, for concurrence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 25, 2006

July 25, 2006

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 for **H.B. 1827**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL CONTRACTOR'S LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO CLARIFY A GENERAL CONTRACTING EXCEPTION:

Representative Hall has been removed as a conferee.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Cowell's motion to adjourn having prevailed, the Senate adjourns at 6:48 P.M.

ONE HUNDRED SEVENTY-FOURTH DAY

Senate Chamber
Wednesday, July 26, 2006

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, you look around at all the people gathered in the Senate Chamber this afternoon as works in progress. You know our weaknesses, strengths, our potential. Thank you for the grace of your caring attention. Similarly, the Senators return today to complete this session's unfinished business. We are grateful that they, like you, will act out of the same caring attitude with regards to their works in progress. Amen."

The Chair grants leaves of absence for today to Senator Hoyle and Senator Lucas.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, July 25, has been examined and is found to be correct.

July 26, 2006

Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends the privileges of the floor to Dr. Richard Bruch from Durham, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 1373, AN ACT TO INCREASE THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; TO AUTHORIZE THE DIVISION TO ISSUE AN INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS SPECIAL PLATE TO A SURVIVING SPOUSE; TO REPEAL THE SUNSET ON THE HARLEY OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES; AND TO AMEND THE RETIRED HIGHWAY PATROL SPECIAL PLATE.

H.B. 88, AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED 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 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.

H.B. 1413, 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

July 26, 2006

TO ADMINISTER ALL OR A PORTION OF CERTAIN ENVIRONMENTAL PROGRAMS AND TO ALLOW LOCAL GOVERNMENT EMPLOYEES TO STAND IN, ON, OR NEAR A PUBLIC STREET OR HIGHWAY OWNED, LEASED, OR CONTROLLED BY THE STATE TO SOLICIT CHARITABLE CONTRIBUTIONS SO LONG AS THE PERSON SOLICITING IS AN EMPLOYEE OR AGENT OF THE LOCAL GOVERNMENT AND MEETS CERTAIN RESTRICTIONS AND GUIDELINES.

H.B. 2170, 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.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 2445, AN ACT TO AUTHORIZE THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE OCCUPANCY TAX IN HALIFAX 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:

H.B. 2465, AN ACT TO MAKE A TECHNICAL CORRECTION IN A LOCAL ACT TO CLARIFY THAT THE DISTRIBUTION PROCEDURE IS IN ACCORDANCE WITH 1977 LEGISLATION AS HAS BEEN THE CONTINUOUS PRACTICE SINCE THEN. (Became law upon ratification, July 25, 2006 - S.L. 2006-163.)

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1323** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1323, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY

July 26, 2006

COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION, Senate Judiciary I Committee Substitute Adopted 7/7/06, submit the following report:

The House and Senate agree to the following amendments to the Senate Judiciary I Committee Substitute Adopted 7/7/06, and the House concurs in the Senate Judiciary I Committee Substitute as amended:

On page 4, lines 21 and 22 by rewriting those lines to read:

"innocence if the convicted person is deceased. The determination of whether to grant a formal inquiry";

And on page 5 line 32 through page 6, line 6, by rewriting those lines to read:

"(c) After hearing the evidence, the full Commission shall vote to establish further case disposition as provided by this subsection. All eight voting members of the Commission shall participate in that vote.

Except in cases where the convicted person entered and was convicted on a plea of guilty, if five or more of the eight voting members of the Commission conclude there is sufficient evidence of factual innocence to merit judicial review, the case shall be referred to the senior resident superior court judge in the district of original jurisdiction by filing with the clerk of court the opinion of the Commission with supporting findings of fact, as well as the record in support of such opinion, with service on the district attorney in noncapital cases and service on both the district attorney and Attorney General in capital cases. In cases where the convicted person entered and was convicted on a plea of guilty, if all of the eight voting members of the Commission conclude there is sufficient evidence of factual innocence to merit judicial review, the case shall be referred to the senior resident superior court judge in the district of original jurisdiction.

If less than five of the eight voting members of the Commission, or in cases where the convicted person entered and was convicted on a guilty plea less than all of the eight voting members of the Commission, conclude there is sufficient evidence of factual innocence to merit judicial review, the Commission shall conclude there is insufficient evidence of factual innocence to merit judicial review. The Commission shall document that opinion, along with supporting findings of fact, and file those documents and supporting materials with the clerk of superior court in the district of original jurisdiction, with a copy to the district attorney and the senior resident superior court judge.

The Director of the Commission shall use all due diligence to notify immediately the victim of the Commission's conclusion in a case.";

And on page 9, line 18 by adding the following language at the end of that section:

"No claims of actual innocence where the convicted person entered and was convicted on a plea of guilty may be filed with the Commission until November 1, 2008.";

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And on page 9, line 20 by deleting the word "file" and substituting the word "filed" in its place.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 26, 2006.

Conferees for the Senate *Conferees for the House of Representatives*

S/Daniel G. Clodfelter, Chair	S/Rick Glazier, Chair
S/Tony Rand	S/Joe Hackney
S/Richard Stevens	S/W. Pete Cunningham
S/Eleanor Kinnaird	S/Paul Stam

Upon motion of Senator Clodfelter, the rules are suspended and the Conference Report is placed on today's Calendar, for adoption.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1431 (Conference Report), A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX; AND (2) TO CREATE THE WILMINGTON CONVENTION CENTER DISTRICT; TO MODIFY THE DISTRIBUTION OF COUNTY AND CITY OCCUPANCY TAX PROCEEDS DERIVED FROM ACCOMMODATIONS LOCATED IN THE DISTRICT; TO CREATE THE NEW HANOVER COUNTY DISTRICT U; TO AUTHORIZE THE NEW HANOVER COUNTY DISTRICT U TO LEVY A THREE PERCENT OCCUPANCY TAX; AND TO MAKE ADMINISTRATIVE CHANGES TO THE WILMINGTON OCCUPANCY TAX, for adoption upon third reading.

Upon motion of Senator Soles, the Senate adopts the Conference Report on 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, Bland, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hunt, Jacumin, Jenkins, Kinnaird, Malone, Nesbitt, Purcell, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman, Webster and Weinstein—42.

Voting in the negative: Senators Brock, Forrester, Pittenger and Presnell—4.

Pursuant to a message from the House of Representatives received on July 20 that the House has adopted the Conference report, the President orders the bill enrolled.

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S.B. 1122 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE LAND AND WATER CONSERVATION STUDY COMMISSION, for concurrence.

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 by special message.

S.B. 198 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2006, for concurrence.

Upon motion of Senator Garrou, the Senate fails to concur in the House Committee Substitute bill (0-46).

Senator Garrou 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. 1295 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR CONSUMERS WHO RECEIVE UNSOLICITED FACSIMILES, for concurrence.

Upon motion of Senator Dorsett, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1564 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING SANITARY LANDFILL FRANCHISE ORDINANCES AND AGREEMENTS TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED TO, AWARD SANITARY LANDFILL FRANCHISES; TO PROVIDE FOR THE AWARD OF PRELIMINARY FRANCHISES AS WELL AS FRANCHISES AND TO SPECIFY THE INFORMATION TO BE INCLUDED THEREIN; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE AWARDED ONLY AFTER ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO PROVIDE THAT FRANCHISES ARE AWARDED ONLY AFTER PUBLIC NOTICE OF THE LOCATION OF THE PROPOSED SANITARY LANDFILL; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES; AND TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES TO ANY APPLICATION FOR A PRELIMINARY FRANCHISE OR FRANCHISE THAT IS FILED WITH A LOCAL GOVERNMENT ON OR AFTER THAT DATE AND THAT THIS ACT DOES NOT AFFECT ANY FRANCHISE THAT HAS BEEN AWARDED AS

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OF THE DATE ON WHICH THIS ACT BECOMES EFFECTIVE UNLESS THE FRANCHISE PROVIDES FOR A FINAL VOTE OF THE GOVERNING BOARD OF THE LOCAL GOVERNMENT ON THE FRANCHISE AND THE FINAL VOTE OCCURS ON OR AFTER 1 NOVEMBER 2006, IN WHICH CASE THE PROVISIONS OF G.S. 130A-294(B1), AS AMENDED BY THIS ACT, APPLY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Upon motion of Senator Clodfelter, the President orders, without objection, the House Committee Substitute bill temporarily displaced.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Shaw for the **Transportation Committee**:

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, 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 30638, which changes the title upon concurrence to read **H.B. 267** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE ISSUANCE OF TEMPORARY DRIVING CERTIFICATES PENDING THE ISSUANCE OF A DRIVERS LICENSE, is adopted and engrossed.

Upon motion of Senator Shaw, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

S.B. 1566 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS AND TO PROTECT WATER QUALITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, for concurrence.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 489 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS TO CLARIFY CERTAIN DEFINITIONS UNDER THE

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NORTH CAROLINA COSMETIC ART ACT, TO APPROVE EXAMINATION FACILITIES, AND TO SET LIMITS FOR FAILED CANDIDATES SEEKING TO RETAKE AN EXAMINATION, AND TO AMEND CERTAIN LICENSURE REQUIREMENTS UNDER THE NORTH CAROLINA COSMETIC ART ACT, for adoption.

Upon motion of Senator Cowell, the Senate adopts the Conference Report (48-0).

Pursuant to a message from the House of Representatives received on July 25 that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor by special message.

H.B. 1323 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION, placed earlier on today's Calendar.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (46-2).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 267 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE ISSUANCE OF TEMPORARY DRIVING CERTIFICATES PENDING THE ISSUANCE OF A DRIVERS LICENSE, 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 for concurrence in the Senate Committee Substitute bill.

S.B. 1564 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING SANITARY LANDFILL FRANCHISE ORDINANCES AND AGREEMENTS TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED TO, AWARD SANITARY LANDFILL FRANCHISES; TO PROVIDE FOR THE AWARD OF PRELIMINARY FRANCHISES AS WELL AS FRANCHISES AND TO SPECIFY THE INFORMATION TO BE INCLUDED THEREIN; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE AWARDED ONLY AFTER ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO PROVIDE THAT FRANCHISES ARE AWARDED ONLY AFTER PUBLIC NOTICE OF THE LOCATION OF THE PROPOSED SANITARY LANDFILL; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES; AND TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW

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AND APPLIES TO ANY APPLICATION FOR A PRELIMINARY FRANCHISE OR FRANCHISE THAT IS FILED WITH A LOCAL GOVERNMENT ON OR AFTER THAT DATE AND THAT THIS ACT DOES NOT AFFECT ANY FRANCHISE THAT HAS BEEN AWARDED AS OF THE DATE ON WHICH THIS ACT BECOMES EFFECTIVE UNLESS THE FRANCHISE PROVIDES FOR A FINAL VOTE OF THE GOVERNING BOARD OF THE LOCAL GOVERNMENT ON THE FRANCHISE AND THE FINAL VOTE OCCURS ON OR AFTER 1 NOVEMBER 2006, IN WHICH CASE THE PROVISIONS OF G.S. 130A-294(B1), AS AMENDED BY THIS ACT, APPLY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, temporarily displaced earlier today.

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, July 27.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1059 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO CLARIFY ENROLLMENT IN THE PPO OPTIONAL PROGRAM ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 3 OF CHAPTER 135 OF THE GENERAL STATUTES; AND TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PERMIT A CERTAIN NUMBER OF LOCAL GOVERNMENTS OPTIONAL COVERAGE UNDER THE PLAN.

Pursuant to the message from the House of Representatives received on July 25 that the House fails to concur in the Senate Committee Substitute bill for H.B. 1059 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Rand, Chair, Senator Lucas 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.

APPOINTMENT OF ADDITIONAL CONFEREES

H.B. 1896 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) CRIMINALIZE FALSE STATEMENTS TO THE STATE BUREAU OF INVESTIGATION; (5) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT

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PRACTICES OF SEX OFFENDERS; (6) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (7) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (8) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; AND (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS BY THE DIVISION OF MOTOR VEHICLES, AND SHALL BE KNOWN AS SEX OFFENDER REGISTRATION CHANGES/JESSICA'S LAW.

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Dalton as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1048** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE: (1) IMPROVED DETECTION OF IMPAIRED DRIVERS ON THE STATE'S ROADS AND HIGHWAYS; (2) IMPROVED METHODS OF DETERMINING HOW UNDERAGE DRIVERS OBTAIN ALCOHOL; (3) PROCEDURES FOR INVESTIGATING, ARRESTING, CHARGING, AND JUDICIAL PROCESSING OF IMPAIRED DRIVING OFFENSES; (4) RULES FOR THE COURTROOM ADMISSION OF EVIDENCE THAT IS RELEVANT TO IMPAIRED DRIVING OFFENSES; (5) CLARIFICATION ON WHEN A DRIVER IS GUILTY OF DRIVING WHILE IMPAIRED; (6) AGGRAVATED PENALTIES FOR OFFENDERS WHO SERIOUSLY INJURE OR KILL WHEN DRIVING WHILE IMPAIRED; (7) A SYSTEM OF REPORTING BY STATE PROSECUTORS AND THE COURTS ON THE DISPOSITION OF IMPAIRED DRIVING OFFENSES; (8) ELECTRONIC MONITORING AFTER AN IMPAIRED DRIVER HAS BEEN RELEASED FROM CONFINEMENT; (9) PROCEDURES TO DETERMINE IF IMPAIRED DRIVERS WHO ARE FOREIGN NATIONALS ARE LAWFULLY IN THE UNITED STATES; (10) OTHER MEASURES DESIGNED TO IMPROVE THE SAFETY OF THE MOTORING PUBLIC OF NORTH CAROLINA; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS THE "MOTOR VEHICLE DRIVER PROTECTION ACT OF 2006.", 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 1048, A BILL TO BE ENTITLED AN ACT TO PROVIDE: (1) IMPROVED DETECTION OF IMPAIRED DRIVERS ON THE STATE'S ROADS AND HIGHWAYS; (2) IMPROVED METHODS

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OF DETERMINING HOW UNDERAGE DRIVERS OBTAIN ALCOHOL; (3) PROCEDURES FOR INVESTIGATING, ARRESTING, CHARGING, AND JUDICIAL PROCESSING OF IMPAIRED DRIVING OFFENSES; (4) RULES FOR THE COURTROOM ADMISSION OF EVIDENCE THAT IS RELEVANT TO IMPAIRED DRIVING OFFENSES; (5) CLARIFICATION ON WHEN A DRIVER IS GUILTY OF DRIVING WHILE IMPAIRED; (6) AGGRAVATED PENALTIES FOR OFFENDERS WHO SERIOUSLY INJURE OR KILL WHEN DRIVING WHILE IMPAIRED; (7) A SYSTEM OF REPORTING BY STATE PROSECUTORS AND THE COURTS ON THE DISPOSITION OF IMPAIRED DRIVING OFFENSES; (8) ELECTRONIC MONITORING AFTER AN IMPAIRED DRIVER HAS BEEN RELEASED FROM CONFINEMENT; (9) PROCEDURES TO DETERMINE IF IMPAIRED DRIVERS WHO ARE FOREIGN NATIONALS ARE LAWFULLY IN THE UNITED STATES; (10) OTHER MEASURES DESIGNED TO IMPROVE THE SAFETY OF THE MOTORING PUBLIC OF NORTH CAROLINA; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS THE "MOTOR VEHICLE DRIVER PROTECTION ACT OF 2006.", Senate Finance Committee Substitute Adopted 6/30/06, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 6/30/06, 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 H1048-PCCS60878-RK-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 26, 2006.

Conferees for the Senate

S/Tony Rand, Chair
S/Daniel G. Clodfelter
S/Jerry W. Tillman

Conferees for the House of Representatives

S/Joe Hackney, Chair
S/Martha B. Alexander
S/Deborah K. Ross
S/Paul Stam
S/John M. Blust
S/Bonner L. Stiller
S/Pricey Harrison
S/Rick Glazier

The text of the attached Proposed Conference Committee Substitute, H1048-PCCS60878-RK-2 is as follows:

A BILL TO BE ENTITLED
AN ACT TO PROVIDE: (1) IMPROVED DETECTION OF IMPAIRED

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DRIVERS ON THE STATE'S ROADS AND HIGHWAYS; (2) IMPROVED METHODS OF DETERMINING HOW UNDERAGE DRIVERS OBTAIN ALCOHOL; (3) PROCEDURES FOR INVESTIGATING, ARRESTING, CHARGING, AND JUDICIAL PROCESSING OF IMPAIRED DRIVING OFFENSES; (4) RULES FOR THE COURTROOM ADMISSION OF EVIDENCE THAT IS RELEVANT TO IMPAIRED DRIVING OFFENSES; (5) CLARIFICATION ON WHEN A DRIVER IS GUILTY OF DRIVING WHILE IMPAIRED; (6) AGGRAVATED PENALTIES FOR OFFENDERS WHO SERIOUSLY INJURE OR KILL WHEN DRIVING WHILE IMPAIRED; (7) A SYSTEM OF REPORTING BY STATE PROSECUTORS AND THE COURTS ON THE DISPOSITION OF IMPAIRED DRIVING OFFENSES; (8) ELECTRONIC MONITORING AFTER AN IMPAIRED DRIVER HAS BEEN RELEASED FROM CONFINEMENT; (9) FOR THE SEIZURE AND FORFEITURE OF THE VEHICLE WHERE A PERSON IS DRIVING WHILE IMPAIRED WITHOUT A LICENSE OR INSURANCE; (10) OTHER MEASURES DESIGNED TO IMPROVE THE SAFETY OF THE MOTORING PUBLIC OF NORTH CAROLINA; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS "THE MOTOR VEHICLE DRIVER PROTECTION ACT OF 2006."

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as "THE MOTOR VEHICLE DRIVER PROTECTION ACT OF 2006."

PART I. REGULATING MALT BEVERAGE KEGS

SECTION 2. G.S. 18B-101 is amended by adding a new subdivision to read:

"(7b) "Keg" means a portable container designed to hold and dispense 7.75 gallons or more of malt beverage."

SECTION 3.1. Chapter 18B of the General Statutes is amended by adding a new section to read:

§ 18B-403.1. Purchase-transportation permit for keg or kegs of malt beverages.

(a) Purchase-Transportation. – A person who is not a permittee may purchase and transport for off-premises consumption a keg or kegs as defined in G.S. 18B-101(7b) after obtaining a purchase-transportation permit. Failure to obtain a purchase-transportation permit according to this section is a violation of G.S. 18B-303(b).

(b) Issuance. – A person holding a permit (permittee) pursuant to G.S. 18B-1001(2) shall issue a purchase-transportation permit for a keg or kegs of malt beverage to a purchaser. A copy of the purchase-transportation permit shall be maintained by the permittee for 90 days. Upon request by any person, the permittee shall maintain the permit for a requested period in excess of 90 days.

(c) Form. – A purchase-transportation permit shall be issued on a printed form adopted and provided by the Commission. The Commission shall adopt rules specifying the content of the permit form.

(d) Restrictions on Permit. – A purchase may be made only from the store named on the permit. One copy of the permit shall be kept by the purchaser

and one by the permittee from whom the purchase is made. The purchaser shall display his copy of the permit to any law enforcement officer upon request.

(e) Violation. – The first violation of this section by a permittee shall result in a warning to the permittee."

SECTION 3.2. G.S. 18B-303(a) reads as rewritten:

"(a) Purchases Allowed. – Without a permit, a person may purchase at one time:

- (1) Not more than 80 liters of malt ~~beverages, other than draft malt beverages in kegs;~~ beverages, except draft malt beverages in kegs for off-premises consumption. For purchase of a keg or kegs of malt beverages for off-premises consumption, the permit required by G.S. 18B-403.1(a) must first be obtained;
- (2) Any amount of draft malt beverages by a permittee in kegs; ~~kegs for on-premise consumption;~~
- (3) Not more than 50 liters of unfortified wine;
- (4) Not more than eight liters of either fortified wine or spirituous liquor, or eight liters of the two combined."

PART II. MODIFYING THE STATUTES ON CHECKING STATIONS AND ROADBLOCKS

SECTION 4. G.S. 20-16.3A reads as rewritten:

"§ 20-16.3A. ~~Impaired driving checks. Checking stations and roadblocks.~~

(a) A law-enforcement agency may ~~make impaired driving checks of drivers of vehicles on highways and public vehicular areas if conduct checking stations to determine compliance with the provisions of this Chapter. If the agency is conducting a checking station for the purposes of determining compliance with this Chapter, it must:~~

- ~~(1) Develops a systematic plan in advance that takes into account the likelihood of detecting impaired drivers, traffic conditions, number of vehicles to be stopped, and the convenience of the motoring public.~~
- ~~(2) Designates~~ Designate in advance the pattern both for stopping vehicles and for requesting drivers that are stopped ~~to submit to alcohol screening tests to produce drivers license, registration, or insurance information. The plan~~
- (2a) Operate under a written policy that provides guidelines for the pattern, which need not be in writing. The policy may be either the agency's own policy, or if the agency does not have a written policy, it may be the policy of another law enforcement agency, and may include contingency provisions for altering either pattern if actual traffic conditions are different from those anticipated, but no individual officer may be given discretion as to which vehicle is stopped or, of the vehicles stopped, which driver is requested to submit to an alcohol screening test. to produce drivers license, registration, or insurance

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information. If officers of a law enforcement agency are operating under another agency's policy, it must be stated in writing.

- (3) ~~Marks the area in which checks are conducted to advise~~ Advise the public that an authorized impaired driving check checking station is being made operated by having, at a minimum, one law enforcement vehicle with its blue light in operation during the conducting of the checking station.

(b) An officer who determines there is a reasonable suspicion that an occupant has violated a provision of this Chapter, or any other provision of law, may detain the driver to further investigate in accordance with law. The operator of any vehicle stopped at a checking station established under this subsection may be requested to submit to an alcohol screening test under G.S. 20-16.3 if during the course of the stop the officer determines the driver had previously consumed alcohol or has an open container of alcoholic beverage in the vehicle. The officer so requesting shall consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further.

(c) Law enforcement agencies may conduct any type of checking station or roadblock as long as it is established and operated in accordance with the provisions of the United States Constitution and the Constitution of North Carolina.

(d) The placement of checkpoints should be random or statistically indicated, and agencies shall avoid placing checkpoints repeatedly in the same location or proximity. This subsection shall not be grounds for a motion to suppress or a defense to any offense arising out of the operation of a checking station.

~~This section does not prevent an officer from using the authority of G.S. 20-16.3 to request a screening test if, in the course of dealing with a driver under the authority of this section, he develops grounds for requesting such a test under G.S. 20-16.3. Alcohol screening tests and the results from them are subject to the provisions of subsections (b), (c), and (d) of G.S. 20-16.3. This section does not limit the authority of a law enforcement officer or agency to conduct a license check independently or in conjunction with the impaired driving check, to administer psychophysical tests to screen for impairment, or to utilize roadblocks or other types of vehicle checks or checkpoints that are consistent with the laws of this State and the Constitution of North Carolina and of the United States."~~

PART III. PROVIDING FOR IMPLIED-CONSENT PRETRIAL AND COURT PROCEEDINGS

SECTION 5. Chapter 20 of the General Statutes is amended by adding a new Article to read:

"Article 2D.

"Implied-Consent Offense Procedures.

"§ 20-38.1. Applicability.

The procedures set forth in this Article shall be followed for the investigation and processing of an implied-consent offense as defined in G.S. 20-16.2. The trial procedures shall apply to any implied-consent offense litigated in the District Court Division.

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"§ 20-38.2. Investigation.

A law enforcement officer who is investigating an implied-consent offense or a vehicle crash that occurred in the officer's territorial jurisdiction is authorized to investigate and seek evidence of the driver's impairment anywhere in-state or out-of-state, and to make arrests at any place within the State.

"§ 20-38.3. Police processing duties.

Upon the arrest of a person, with or without a warrant, but not necessarily in the order listed, a law enforcement officer:

- (1) Shall inform the person arrested of the charges or a cause for the arrest.
- (2) May take the person arrested to any place within the State for one or more chemical analyses at the request of any law enforcement officer and for any evaluation by a law enforcement officer, medical professional, or other person to determine the extent or cause of the person's impairment.
- (3) May take the person arrested to some other place within the State for the purpose of having the person identified, to complete a crash report, or for any other lawful purpose.
- (4) May take photographs and fingerprints in accordance with G.S. 15A-502.
- (5) Shall take the person arrested before a judicial official for an initial appearance after completion of all investigatory procedures, crash reports, chemical analyses, and other procedures provided for in this section.

"§ 20-38.4. Initial appearance.

(a) Appearance Before a Magistrate. – Except as modified in this Article, a magistrate shall follow the procedures set forth in Article 24 of Chapter 15A of the General Statutes.

- (1) A magistrate may hold an initial appearance at any place within the county and shall, to the extent practicable, be available at locations other than the courthouse when it will expedite the initial appearance.
- (2) In determining whether there is probable cause to believe a person is impaired, the magistrate may review all alcohol screening tests, chemical analyses, receive testimony from any law enforcement officer concerning impairment and the circumstances of the arrest, and observe the person arrested.
- (3) If there is a finding of probable cause, the magistrate shall consider whether the person is impaired to the extent that the provisions of G.S. 15A-534.2 should be imposed.
- (4) The magistrate shall also:
 - a. Inform the person in writing of the established procedure to have others appear at the jail to observe his condition or to administer an

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additional chemical analysis if the person is unable to make bond; and

- b. Require the person who is unable to make bond to list all persons he wishes to contact and telephone numbers on a form that sets forth the procedure for contacting the persons listed. A copy of this form shall be filed with the case file.

(b) The Administrative Office of the Courts shall adopt forms to implement this Article.

"§ 20-38.5. Facilities.

(a) The Chief District Court Judge, the Department of Health and Human Services, the district attorney, and the sheriff shall:

- (1) Establish a written procedure for attorneys and witnesses to have access to the chemical analysis room.
- (2) Approve the location of written notice of implied-consent rights in the chemical analysis room in accordance with G.S. 20-16.2.
- (3) Approve a procedure for access to a person arrested for an implied-consent offense by family and friends or a qualified person contacted by the arrested person to obtain blood or urine when the arrested person is held in custody and unable to obtain pretrial release from jail.

(b) Signs shall be posted explaining to the public the procedure for obtaining access to the room where the chemical analysis of the breath is administered and to any person arrested for an implied-consent offense. The initial signs shall be provided by the Department of Transportation, without costs. The signs shall thereafter be maintained by the county for all county buildings and the county courthouse.

(c) If the instrument for performing a chemical analysis of the breath is located in a State or municipal building, then the head of the highway patrol for the county, the chief of police for the city or that person's designee shall be substituted for the sheriff when determining signs and access to the chemical analysis room. The signs shall be maintained by the owner of the building. When a breath testing instrument is in a motor vehicle or at a temporary location, the Department of Health and Human Services shall alone perform the functions listed in subdivisions (a)(1) and (a)(2) of this section.

"§ 20-38.6. Motions and district court procedure.

(a) The defendant may move to suppress evidence or dismiss charges only prior to trial, except the defendant may move to dismiss the charges for insufficient evidence at the close of the State's evidence and at the close of all of the evidence without prior notice. If, during the course of the trial, the defendant discovers facts not previously known, a motion to suppress or dismiss may be made during the trial.

(b) Upon a motion to suppress or dismiss the charges, other than at the close of the State's evidence or at the close of all the evidence, the State shall be granted reasonable time to procure witnesses or evidence and to conduct research required to defend against the motion.

(c) The judge shall summarily grant the motion to suppress evidence if the State stipulates that the evidence sought to be suppressed will not be offered in evidence in any criminal action or proceeding against the defendant.

(d) The judge may summarily deny the motion to suppress evidence if the defendant failed to make the motion pretrial when all material facts were known to the defendant.

(e) If the motion is not determined summarily, the judge shall make the determination after a hearing and finding of facts. Testimony at the hearing shall be under oath.

(f) The judge shall set forth in writing the findings of fact and conclusions of law and preliminarily indicate whether the motion should be granted or denied. If the judge preliminarily indicates the motion should be granted, the judge shall not enter a final judgment on the motion until after the State has appealed to superior court or has indicated it does not intend to appeal.
"§ 20-38.7. Appeal to superior court.

(a) The State may appeal to superior court any district court preliminary determination granting a motion to suppress or dismiss. If there is a dispute about the findings of fact, the superior court shall not be bound by the findings of the district court but shall determine the matter de novo. Any further appeal shall be governed by Article 90 of Chapter 15A of the General Statutes.

(b) The defendant may not appeal a denial of a pretrial motion to suppress or to dismiss but may appeal upon conviction as provided by law.

(c) Notwithstanding the provisions of G.S. 15A-1431, for any implied-consent offense that is first tried in district court and that is appealed to superior court by the defendant for a trial de novo as a result of a conviction, the sentence imposed by the district court is vacated upon giving notice of appeal. The case shall only be remanded back to district court with the consent of the prosecutor and the superior court. When an appeal is withdrawn or a case is remanded back to district court, the district court shall hold a new sentencing hearing and shall consider any new convictions and, if the defendant has any pending charges of offenses involving impaired driving, shall delay sentencing in the remanded case until all cases are resolved."

PART IV. ALLOWING THE ADMISSIBILITY OF DRUG RECOGNITION EXPERTS, HGN TESTIMONY, AND OPINION AS TO SPEED BY AN ACCIDENT RECONSTRUCTION EXPERT

SECTION 6. G.S. 8C-1, Rule 702 reads as rewritten:

"Rule 702. Testimony by experts.

(a) If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion.

(a1) A witness, qualified under subsection (a) of this section and with proper foundation, may give expert testimony solely on the issue of impairment and not on the issue of specific alcohol concentration level relating to the following:

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- (1) The results of a Horizontal Gaze Nystagmus (HGN) Test when the test is administered by a person who has successfully completed training in HGN.
- (2) Whether a person was under the influence of one or more impairing substances, and the category of such impairing substance or substances. A witness who has received training and holds a current certification as a Drug Recognition Expert, issued by the State Department of Health and Human Services, shall be qualified to give the testimony under this subdivision.

...

(i) A witness qualified as an expert in accident reconstruction who has performed a reconstruction of a crash, or has reviewed the report of investigation, with proper foundation may give an opinion as to the speed of a vehicle even if the witness did not observe the vehicle moving."

PART V. ALCOHOL SCREENING DEVICES

SECTION 7. G.S. 20-16.3 reads as rewritten:

"§ 20-16.3. Alcohol screening tests required of certain drivers; approval of test devices and manner of use by ~~Commission for Health Services; Department of Health and Human Services; use of test results or refusal.~~

(a) When Alcohol Screening Test May Be Required; Not an Arrest. – A law-enforcement officer may require the driver of a vehicle to submit to an alcohol screening test within a relevant time after the driving if the officer has:

- (1) Reasonable grounds to believe that the driver has consumed alcohol and has:
 - a. Committed a moving traffic violation; or
 - b. Been involved in an accident or collision; or
- (2) An articulable and reasonable suspicion that the driver has committed an implied-consent offense under G.S. 20-16.2, and the driver has been lawfully stopped for a driver's license check or otherwise lawfully stopped or lawfully encountered by the officer in the course of the performance of the officer's duties.

Requiring a driver to submit to an alcohol screening test in accordance with this section does not in itself constitute an arrest.

(b) Approval of Screening Devices and Manner of Use. – ~~The Commission for Health Services~~Department of Health and Human Services is directed to examine and approve devices suitable for use by law-enforcement officers in making on-the-scene tests of drivers for alcohol concentration. For each alcohol screening device or class of devices approved, the ~~Commission~~Department must adopt regulations governing the manner of use of the device. For any alcohol screening device that tests the breath of a driver, the ~~Commission~~Department is directed to specify in its regulations the shortest feasible minimum waiting period that does not produce an unacceptably high number of false positive test results.

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(c) Tests Must Be Made with Approved Devices and in Approved Manner. – No screening test for alcohol concentration is a valid one under this section unless the device used is one approved by the ~~Commission for Health Services- Department~~ and the screening test is conducted in accordance with the applicable regulations of the ~~Commission- Department~~ as to the manner of its use.

(d) Use of Screening Test Results or Refusal by Officer. – ~~The results of an~~fact that a driver showed a positive or negative result on an alcohol screening test, ~~but not the actual alcohol concentration result,~~ or a driver's refusal to submit may be used by a law-enforcement officer, is admissible in a court, or may also be used by an administrative agency in determining if there are reasonable grounds for ~~believing~~believing:

- (1) ~~that~~That the driver has committed an implied-consent offense under ~~G.S. 20-16.2- G.S. 20-16.2;~~ and
- (2) That the driver had consumed alcohol and that the driver had in his or her body previously consumed alcohol, but not to prove a particular alcohol concentration. Negative ~~or low~~ results on the alcohol screening test may be used in factually appropriate cases by the officer, a court, or an administrative agency in determining whether a person's alleged impairment is caused by an impairing substance other than alcohol. ~~Except as provided in this subsection, the results of an alcohol screening test may not be admitted in evidence in any court or administrative proceeding."~~

PART VI. CLARIFICATION OF IMPAIRED DRIVING OFFENSES

SECTION 8. G.S. 20-4.01 reads as rewritten:

"§ 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:

- ...
- (32) Public Vehicular Area. – Any area within the State of North Carolina that meets one or more of the following requirements:
 - a. The area is ~~generally open to and~~ used by the public for vehicular ~~traffic, traffic at any time,~~ including by way of illustration and not limitation any drive, driveway, road, roadway, street, alley, or parking lot upon the grounds and premises of any of the following:
 1. Any public or private hospital, college, university, school, orphanage, church, or any of the institutions, parks or other facilities maintained and supported by the State of North Carolina or any of its subdivisions.
 2. Any service station, drive-in theater, supermarket, store, restaurant, or

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office building, or any other business, residential, or municipal establishment providing parking space ~~for customers, patrons, or the public.~~ whether the business or establishment is open or closed.

3. Any property owned by the United States and subject to the jurisdiction of the State of North Carolina. (The inclusion of property owned by the United States in this definition shall not limit assimilation of North Carolina law when applicable under the provisions of Title 18, United States Code, section 13).
- b. The area is a beach area used by the public for vehicular traffic.
- c. The area is a road ~~opened to used by~~ vehicular traffic within or leading to a subdivision for use by subdivision residents, their guests, and members of the public, subdivision, whether or not the subdivision roads have been offered for dedication to the public.
- d. The area is a portion of private property used ~~for~~ by vehicular traffic and designated by the private property owner as a public vehicular area in accordance with G.S. 20-219.4.

...

- (45) State. – A state, territory, or possession of the United States, District of Columbia, Commonwealth of Puerto Rico, ~~or a province of Canada~~ a province of Canada, or the Sovereign Nation of the Eastern Band of the Cherokee Indians with tribal lands, as defined in 18 U.S.C. § 1151, located within the boundaries of the State of North Carolina.

..."

SECTION 9. G.S. 20-138.1 reads as rewritten:

"§ 20-138.1. Impaired driving.

(a) Offense. – A person commits the offense of impaired driving if he drives any vehicle upon any highway, any street, or any public vehicular area within this State:

- (1) While under the influence of an impairing substance; or
- (2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more. The results of a chemical analysis shall be deemed sufficient evidence to prove a person's alcohol concentration; or

(3) With any amount of a Schedule I controlled substance, as listed in G.S. 90-89, or its metabolites in his blood or urine.

(a1) A person who has submitted to a chemical analysis of a blood sample, pursuant to G.S. 20-139.1(d), may use the result in rebuttal as evidence that the person did not have, at a relevant time after driving, an alcohol concentration of 0.08 or more.

(b) Defense Precluded. – The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this section.

(b1) Defense Allowed. – Nothing in this section shall preclude a person from asserting that a chemical analysis result is inadmissible pursuant to G.S. 20-139.1(b2).

(c) Pleading. – In any prosecution for impaired driving, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges that the defendant drove a vehicle on a highway or public vehicular area while subject to an impairing substance.

(d) Sentencing Hearing and Punishment. – Impaired driving as defined in this section is a misdemeanor. Upon conviction of a defendant of impaired driving, the presiding judge ~~must~~ shall hold a sentencing hearing and impose punishment in accordance with G.S. 20-179.

(e) Exception. – Notwithstanding the definition of "vehicle" pursuant to G.S. 20-4.01(49), for purposes of this section the word "vehicle" does not include a ~~horse, bicycle, or lawnmower-horse.~~

SECTION 10. G.S. 20-138.2 reads as rewritten:

"(a) Offense. – A person commits the offense of impaired driving in a commercial motor vehicle if he drives a commercial motor vehicle upon any highway, any street, or any public vehicular area within the State:

- (1) While under the influence of an impairing substance; or
- (2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.04 or more. The results of a chemical analysis shall be deemed sufficient evidence to prove a person's alcohol concentration; or
- (3) With any amount of a Schedule I controlled substance, as listed in G.S. 90-89, or its metabolites in his blood or urine.

(a1) A person who has submitted to a chemical analysis of a blood sample, pursuant to G.S. 20-139.1(d), may use the result in rebuttal as evidence that the person did not have, at a relevant time after driving, an alcohol concentration of 0.04 or more.

(a2) In order to prove the gross vehicle weight rating of a vehicle as defined in G.S. 20-4.01(12b), the opinion of a person who observed the vehicle as to the weight, the testimony of the gross vehicle weight rating affixed to the vehicle, the registered or declared weight shown on the Division's records pursuant to G.S. 20-26(b1), the gross vehicle weight rating as determined from

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the vehicle identification number, the listed gross weight publications from the manufacturer of the vehicle, or any other description or evidence shall be admissible.

(b) Defense Precluded. – The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this section.

(b1) Defense Allowed. – Nothing in this section shall preclude a person from asserting that a chemical analysis result is inadmissible pursuant to G.S. 20-139.1(b2).

..."

SECTION 11. G.S. 20-138.3(b2) reads as rewritten:

"§ 20-138.3. Driving by person less than 21 years old after consuming alcohol or drugs.

(b2) Alcohol Screening Test. – Notwithstanding any other provision of law, an alcohol screening test may be administered to a driver suspected of violation of subsection (a) of this section, and the results of an alcohol screening test or the driver's refusal to submit may be used by a law enforcement officer, a court, or an administrative agency in determining if alcohol was present in the driver's body. No alcohol screening tests are valid under this section unless the device used is one approved by the ~~Commission for Health Services,~~ Department of Health and Human Services, and the screening test is conducted in accordance with the applicable regulations of the ~~Commission~~Department as to its manner and use."

SECTION 12. G.S. 20-138.5(a) reads as rewritten:

"(a) A person commits the offense of habitual impaired driving if he drives while impaired as defined in G.S. 20-138.1 and has been convicted of three or more offenses involving impaired driving as defined in G.S. 20-4.01(24a) within ~~seven-10~~ years of the date of this offense."

SECTION 13. G.S. 20-138.5(c) reads as rewritten:

"(c) An offense under this section is an implied consent offense subject to the provisions of G.S. 20-16.2. The provisions of G.S. 20-139.1 shall apply to an offense committed under this section."

PART VII. FELONY DEATH BY VEHICLE AND INJURY BY VEHICLE

SECTION 14. G.S. 20-141.4 reads as rewritten:

"§ 20-141.4. Felony and misdemeanor death by ~~vehicle, vehicle;~~ felony serious injury by vehicle; aggravated offenses; repeat felony death by vehicle.

(a) Repealed by Session Laws 1983, c. 435, s. 27.

(a1) Felony Death by Vehicle. – A person commits the offense of felony death by vehicle ~~if he unintentionally causes the death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2 and commission of that offense is the proximate cause of the death if:~~

(1) The person unintentionally causes the death of another person,

(2) The person was engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2, and

- (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death.

(a2) ~~Misdemeanor Death by Vehicle. – A person commits the offense of misdemeanor death by vehicle if he unintentionally causes the death of another person while engaged in the violation of any State law or local ordinance applying to the operation or use of a vehicle or to the regulation of traffic, other than impaired driving under G.S. 20-138.1, and commission of that violation is the proximate cause of the death if:~~

- (1) The person unintentionally causes the death of another person,
(2) The person was engaged in the violation of any State law or local ordinance applying to the operation or use of a vehicle or to the regulation of traffic, other than impaired driving under G.S. 20-138.1, and
(3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death.

(a3) Felony Serious Injury by Vehicle. – A person commits the offense of felony serious injury by vehicle if:

- (1) The person unintentionally causes serious injury to another person,
(2) The person was engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2, and
(3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the serious injury.

(a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:

- (1) The person unintentionally causes serious injury to another person,
(2) The person was engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2,
(3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the serious injury, and
(4) The person has a previous conviction involving impaired driving, as defined in G.S. 20-4.01(24a), within seven years of the date of the offense.

(a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:

- (1) The person unintentionally causes the death of another person,
(2) The person was engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2,
(3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death, and
(4) The person has a previous conviction involving impaired driving, as defined in G.S. 20-4.01(24a), within seven years of the date of the offense.

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(a6) Repeat Felony Death by Vehicle Offender. – A person who commits an offense under Subsection (a1) or Subsection (a5) of this section, and who has a previous conviction under

- (1) Subsection (a1) of this section; or
- (2) Subsection (a5) of this section; or
- (3) G.S. 14-17 or G.S. 14-18, where the basis of that former conviction, as determined from the face of the indictment, was the unintentional death of another person while engaged in the offense of impaired driving under GS 20-138.1 or GS 20-138.2.

shall be subject to the same sentence as if the person had been convicted of second degree murder.

(b) Punishments. – Unless the conduct is covered under some other provision of law providing greater punishment, the following classifications apply to the offenses set forth in this section:

- (1) Aggravated felony death by vehicle is a Class D felony.
- (2) Felony death by vehicle is a Class E felony.
- (3) Aggravated felony serious injury by vehicle is a Class E felony.
- (4) Felony serious injury by vehicle is a Class F felony.
- (5) Misdemeanor death by vehicle is a Class 1 misdemeanor. ~~Felony death by vehicle is a Class G felony. Misdemeanor death by vehicle is a Class 1 misdemeanor.~~

(c) No Double Prosecutions. – No person who has been placed in jeopardy upon a charge of death by vehicle may be prosecuted for the offense of manslaughter arising out of the same death; and no person who has been placed in jeopardy upon a charge of manslaughter may be prosecuted for death by vehicle arising out of the same death."

PART VIII. CLARIFYING AND SIMPLIFYING THE IMPLIED-CONSENT LAW

SECTION 15. G.S. 20-16.2 reads as rewritten:

"§ 20-16.2. **Implied consent to chemical analysis; mandatory revocation of license in event of refusal; right of driver to request analysis.**

(a) ~~Basis for Charging—~~Officer to Require Chemical Analysis; Notification of Rights. – Any person who drives a vehicle on a highway or public vehicular area thereby gives consent to a chemical analysis if charged with an implied-consent offense. ~~The charging officer shall designate the type of chemical analysis to be administered, and it may be administered when the officer—~~Any law enforcement officer who has reasonable grounds to believe that the person charged has committed the implied-consent ~~offense—~~offense may obtain a chemical analysis of the person.

~~Except as provided in this subsection or subsection (b), before—~~Before any type of chemical analysis is administered the person charged shall be taken before a chemical analyst authorized to administer a test of a person's breath or a law enforcement officer who is authorized to administer chemical analysis of the breath, who shall inform the person orally and also give the person a notice in writing that:

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- (1) ~~The person has a right to refuse to be tested. You have been charged with an implied-consent offense. Under the implied-consent law, you can refuse any test, but your drivers license will be revoked for one year and could be revoked for a longer period of time under certain circumstances, and an officer can compel you to be tested under other laws.~~
- (2) ~~Refusal to take any required test or tests will result in an immediate revocation of the person's driving privilege for at least 30 days and an additional 12 month revocation by the Division of Motor Vehicles.~~
- (3) ~~The test results, or the fact of the person's your refusal, will be admissible in evidence at trial on the offense charged.~~
- (4) ~~The person's Your driving privilege will be revoked immediately for at least 30 days if: if you refuse any test or the test result is 0.08 or more, 0.04 or more if you were driving a commercial vehicle, or 0.01 or more if you are under the age of 21.~~
 - a. ~~The test reveals an alcohol concentration of 0.08 or more;~~
 - b. ~~The person was driving a commercial motor vehicle and the test reveals an alcohol concentration of 0.04 or more; or~~
 - c. ~~The person is under 21 years of age and the test reveals any alcohol concentration.~~
- (5) ~~The person may choose a qualified person to administer a chemical test or tests in addition to any test administered at the direction of the charging officer. After you are released, you may seek your own test in addition to this test.~~
- (6) ~~The person has the right to You may call an attorney for advice and select a witness to view for him or her the testing procedures, procedures remaining after the witness arrives, but the testing may not be delayed for these purposes longer than 30 minutes from the time when the person you is are notified of his or her of these rights. You must take the test at the end of 30 minutes even if you have not contacted an attorney or your witness has not arrived.~~

~~If the charging officer or an arresting officer is authorized to administer a chemical analysis of a person's breath, the charging officer or the arresting officer may give the person charged the oral and written notice of rights required by this subsection. This authority applies regardless of the type of chemical analysis designated.~~

(a1) Meaning of Terms. – Under this section, an "implied-consent offense" is an offense involving impaired driving or an alcohol-related offense

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made subject to the procedures of this section. A person is "charged" with an offense if the person is arrested for it or if criminal process for the offense has been issued. A ~~"charging officer" is a law enforcement officer who arrests the person charged, lodges the charge, or assists the officer who arrested the person or lodged the charge by assuming custody of the person to make the request required by subsection (c) and, if necessary, to present the person to a judicial official for an initial appearance.~~

(b) ~~Unconscious Person May Be Tested. – If a charging law enforcement officer~~ has reasonable grounds to believe that a person has committed an implied-consent offense, and the person is unconscious or otherwise in a condition that makes the person incapable of refusal, ~~the charging law enforcement officer may direct the taking of a blood sample by a person qualified under G.S. 20-139.1 or may direct the administration of any other chemical analysis that may be effectively performed. In this instance the notification of rights set out in subsection (a) and the request required by subsection (c) are not necessary.~~

(c) ~~Request to Submit to Chemical Analysis. – The charging A law enforcement officer, officer or chemical analyst in the presence of the chemical analyst who has notified the person of his or her rights under subsection (a), must shall designate the type of test or tests to be given and may request the person charged to submit to the type of chemical analysis designated. If the person charged willfully refuses to submit to that chemical analysis, none may be given under the provisions of this section, but the refusal does not preclude testing under other applicable procedures of law.~~

(c1) ~~Procedure for Reporting Results and Refusal to Division. – Whenever a person refuses to submit to a chemical analysis-analysis, a person has an alcohol concentration of 0.16 or more, or a person's drivers license has an alcohol concentration restriction and the results of the chemical analysis establish a violation of the restriction, the charging-law enforcement officer and the chemical analyst must shall without unnecessary delay go before an official authorized to administer oaths and execute an affidavit(s) stating that:~~

- (1) The person was charged with an implied-consent offense or had an alcohol concentration restriction on the drivers license;
- (2) ~~The charging officer~~ A law enforcement officer had reasonable grounds to believe that the person had committed an implied-consent offense or violated the alcohol concentration restriction on the drivers license;
- (3) Whether the implied-consent offense charged involved death or critical injury to another person, if the person willfully refused to submit to chemical analysis;
- (4) The person was notified of the rights in subsection (a); and
- (5) The results of any tests given or that the person willfully refused to submit to a chemical analysis-upon the request of the charging-officer-analysis.

If the person's drivers license has an alcohol concentration restriction, pursuant to G.S. 20-19(c3), and an officer has reasonable grounds to believe the person has violated a provision of that restriction other than violation of the alcohol concentration level, the ~~charging~~ officer and chemical analyst shall complete the applicable sections of the affidavit and indicate the restriction which was violated. The ~~charging~~ officer ~~must~~ shall immediately mail the affidavit(s) to the Division. If the ~~charging~~ officer is also the chemical analyst who has notified the person of the rights under subsection (a), the ~~charging~~ officer may perform alone the duties of this subsection.

(d) Consequences of Refusal; Right to Hearing before Division; Issues. – Upon receipt of a properly executed affidavit required by subsection (c1), the Division ~~must~~ shall expeditiously notify the person charged that the person's license to drive is revoked for 12 months, effective on the tenth calendar day after the mailing of the revocation order unless, before the effective date of the order, the person requests in writing a hearing before the Division. Except for the time referred to in G.S. 20-16.5, if the person shows to the satisfaction of the Division that his or her license was surrendered to the court, and remained in the court's possession, then the Division shall credit the amount of time for which the license was in the possession of the court against the 12-month revocation period required by this subsection. If the person properly requests a hearing, the person retains his or her license, unless it is revoked under some other provision of law, until the hearing is held, the person withdraws the request, or the person fails to appear at a scheduled hearing. The hearing officer may subpoena any witnesses or documents that the hearing officer deems necessary. The person may request the hearing officer to subpoena the charging officer, the chemical analyst, or both to appear at the hearing if the person makes the request in writing at least three days before the hearing. The person may subpoena any other witness whom the person deems necessary, and the provisions of G.S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas issued under the authority of this section. The hearing officer is authorized to administer oaths to witnesses appearing at the hearing. The hearing ~~must~~ shall be conducted in the county where the charge was brought, and ~~must~~ shall be limited to consideration of whether:

- (1) The person was charged with an implied-consent offense or the driver had an alcohol concentration restriction on the drivers license pursuant to G.S. 20-19;
- (2) ~~The charging~~ A law enforcement officer had reasonable grounds to believe that the person had committed an implied-consent offense or violated the alcohol concentration restriction on the drivers license;
- (3) The implied-consent offense charged involved death or critical injury to another person, if this allegation is in the affidavit;
- (4) The person was notified of the person's rights as required by subsection (a); and
- (5) The person willfully refused to submit to a chemical ~~analysis upon the request of the charging officer.~~ analysis.

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If the Division finds that the conditions specified in this subsection are met, it ~~must-shall~~ order the revocation sustained. If the Division finds that any of the conditions (1), (2), (4), or (5) is not met, it ~~must-shall~~ rescind the revocation. If it finds that condition (3) is alleged in the affidavit but is not met, it ~~must-shall~~ order the revocation sustained if that is the only condition that is not met; in this instance subsection (d1) does not apply to that revocation. If the revocation is sustained, the person ~~must-shall~~ surrender his or her license immediately upon notification by the Division.

(d1) Consequences of Refusal in Case Involving Death or Critical Injury. – If the refusal occurred in a case involving death or critical injury to another person, no limited driving privilege may be issued. The 12-month revocation begins only after all other periods of revocation have terminated unless the person's license is revoked under G.S. 20-28, 20-28.1, 20-19(d), or 20-19(e). If the revocation is based on those sections, the revocation under this subsection begins at the time and in the manner specified in subsection (d) for revocations under this section. However, the person's eligibility for a hearing to determine if the revocation under those sections should be rescinded is postponed for one year from the date on which the person would otherwise have been eligible for ~~such a~~ the hearing. If the person's driver's license is again revoked while the 12-month revocation under this subsection is in effect, that revocation, whether imposed by a court or by the Division, may only take effect after the period of revocation under this subsection has terminated.

(e) Right to Hearing in Superior Court. – If the revocation for a willful refusal is sustained after the hearing, the person whose license has been revoked has the right to file a petition in the superior court for a hearing ~~de novo upon the issues listed in subsection (d), in the same manner and under the same conditions as provided in G.S. 20-25 except that the de novo hearing is conducted in the superior court district or set of districts as defined in G.S. 7A-41.1 where the charge was made on the record. The superior court review shall be limited to whether there is sufficient evidence in the record to support the Commissioner's findings of fact and whether the conclusions of law are supported by the findings of fact and whether the Commissioner committed an error of law in revoking the license.~~

(e1) Limited Driving Privilege after Six Months in Certain Instances. – A person whose driver's license has been revoked under this section may apply for and a judge authorized to do so by this subsection may issue a limited driving privilege if:

- (1) At the time of the refusal the person held either a valid drivers license or a license that had been expired for less than one year;
- (2) At the time of the refusal, the person had not within the preceding seven years been convicted of an offense involving impaired driving;
- (3) At the time of the refusal, the person had not in the preceding seven years willfully refused to submit to a chemical analysis under this section;

- (4) The implied consent offense charged did not involve death or critical injury to another person;
- (5) The underlying charge for which the defendant was requested to submit to a chemical analysis has been finally disposed of:
 - a. Other than by conviction; or
 - b. By a conviction of impaired driving under G.S. 20-138.1, at a punishment level authorizing issuance of a limited driving privilege under G.S. 20-179.3(b), and the defendant has complied with at least one of the mandatory conditions of probation listed for the punishment level under which the defendant was sentenced;
- (6) Subsequent to the refusal the person has had no unresolved pending charges for or additional convictions of an offense involving impaired driving;
- (7) The person's license has been revoked for at least six months for the refusal; and
- (8) The person has obtained a substance abuse assessment from a mental health facility and successfully completed any recommended training or treatment program.

Except as modified in this subsection, the provisions of G.S. 20-179.3 relating to the procedure for application and conduct of the hearing and the restrictions required or authorized to be included in the limited driving privilege apply to applications under this subsection. If the case was finally disposed of in the district court, the hearing shall be conducted in the district court district as defined in G.S. 7A-133 in which the refusal occurred by a district court judge. If the case was finally disposed of in the superior court, the hearing shall be conducted in the superior court district or set of districts as defined in G.S. 7A-41.1 in which the refusal occurred by a superior court judge. A limited driving privilege issued under this section authorizes a person to drive if the person's license is revoked solely under this section or solely under this section and G.S. 20-17(2). If the person's license is revoked for any other reason, the limited driving privilege is invalid.

(f) Notice to Other States as to Nonresidents. – When it has been finally determined under the procedures of this section that a nonresident's privilege to drive a motor vehicle in this State has been revoked, the Division ~~must~~ shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(g) Repealed by Session Laws 1973, c. 914.

(h) Repealed by Session Laws 1979, c. 423, s. 2.

(i) Right to Chemical Analysis before Arrest or Charge. – A person stopped or questioned by a law enforcement officer who is investigating whether the person may have committed an implied consent offense may request the administration of a chemical analysis before any arrest or other charge is made

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for the offense. Upon this request, the officer shall afford the person the opportunity to have a chemical analysis of his or her breath, if available, in accordance with the procedures required by G.S. 20-139.1(b). The request constitutes the person's consent to be transported by the law enforcement officer to the place where the chemical analysis is to be administered. Before the chemical analysis is made, the person shall confirm the request in writing and shall be notified:

- (1) That the test results will be admissible in evidence and may be used against ~~the person you~~ in any implied consent offense that may arise;
- (2) ~~That the person's license will be revoked for at least 30 days if:~~
 - a. ~~The test reveals an alcohol concentration of 0.08 or more; or~~
 - b. ~~The person was driving a commercial motor vehicle and the test results reveal an alcohol concentration of 0.04 or more; or~~
 - e. ~~The person is under 21 years of age and the test reveals any alcohol concentration.~~

Your driving privilege will be revoked immediately for at least 30 days if the test result is 0.08 or more, 0.04 or more if you were driving a commercial vehicle, or 0.01 or more if you are under the age of 21.
- (3) That if ~~the person fails you fail~~ to comply fully with the test procedures, the officer may charge ~~the person you~~ with any offense for which the officer has probable cause, and if ~~the person is you are~~ charged with an implied consent offense, ~~the person's your~~ refusal to submit to the testing required as a result of that charge would result in revocation of ~~the person's driver's license your driving privilege~~. The results of the chemical analysis are admissible in evidence in any proceeding in which they are relevant."

PART IX. ADMISSIBILITY OF CHEMICAL ANALYSES

SECTION 16. G.S. 20-139.1 reads as rewritten:

"§ 20-139.1. Procedures governing chemical analyses; admissibility; evidentiary provisions; controlled-drinking programs.

(a) Chemical Analysis Admissible. – In any implied-consent offense under G.S. 20-16.2, a person's alcohol concentration or the presence of any other impairing substance in the person's body as shown by a chemical analysis is admissible in evidence. This section does not limit the introduction of other competent evidence as to a person's alcohol concentration or results of other tests showing the presence of an impairing substance, including other chemical tests.

(b) Approval of Valid Test Methods; Licensing Chemical Analysts. – ~~A~~ The results of a chemical analysis, to be valid, shall be analysis shall be

deemed sufficient evidence to prove a person's alcohol concentration. A chemical analysis of the breath administered pursuant to the implied-consent law is admissible in any court or administrative hearing or proceeding if it meets both of the following requirements:

- (1) It is performed in accordance with the provisions of this section. The chemical analysis shall be performed according to methods approved by the Commission for Health Services by an individual possessing rules of the Department of Health and Human Services.
- (2) The person performing the analysis had, at the time of the analysis, a current permit issued by the Department of Health and Human Services authorizing the person to perform a test of the breath using the type of instrument employed. for that type of chemical analysis.

For purposes of establishing compliance with subdivision (b)(1) of this section, the court or administrative agency shall take notice of the rules of the Department of Health and Human Services. For purposes of establishing compliance with subdivision (b)(2) of this section, the court or administrative agency shall take judicial notice of the list of permits issued to the person performing the analysis, the type of instrument on which the person is authorized to perform tests of the breath, and the date the permit was issued. The Commission for Health Services may adopt rules approving satisfactory methods or techniques for performing chemical analyses, and the Department of Health and Human Services may ascertain the qualifications and competence of individuals to conduct particular chemical analyses. analyses and the methods for conducting chemical analyses. The Department may issue permits to conduct chemical analyses to individuals it finds qualified subject to periodic renewal, termination, and revocation of the permit in the Department's discretion.

(b1) When Officer May Perform Chemical Analysis. – Except as provided in this subsection, a chemical analysis is not valid in any case in which it is performed by an arresting officer or by a charging officer under the terms of G.S. 20-16.2. A chemical analysis of the breath may be performed by an arresting officer or by a charging officer when both of the following apply:

- (1) The officer possesses a current permit issued by the Department of Health and Human Services for the type of chemical analysis.
- (2) The officer performs the chemical analysis by using an automated instrument that prints the results of the analysis.

Any person possessing a current permit authorizing the person to perform chemical analysis may perform a chemical analysis.

(b2) Breath Analysis Results Inadmissible if Preventive Maintenance Not Performed. – The Department of Health and Human Services shall perform preventive maintenance on breath-testing instruments used for chemical analysis. A court or administrative agency shall take judicial notice of the preventive maintenance records of the Department. Notwithstanding the provisions of subsection (b), the results of a chemical analysis of a person's breath performed in accordance with this section are not admissible in evidence if:

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- (1) The defendant objects to the introduction into evidence of the results of the chemical analysis of the defendant's breath; and
- (2) The defendant demonstrates that, with respect to the instrument used to analyze the defendant's breath, preventive maintenance procedures required by the regulations of the Commission for Health Services-Department of Health and Human Services had not been performed within the time limits prescribed by those regulations.

(b3) ~~Sequential Breath Tests Required. – By January 1, 1985, the regulations of the Commission for Health Services~~ The methods governing the administration of chemical analyses of the breath shall require the testing of at least duplicate sequential breath samples. The results of the chemical analysis of all breath samples are admissible if the test results from any two consecutively collected breath samples do not differ from each other by an alcohol concentration greater than 0.02. Only the lower of the two test results of the consecutively administered tests can be used to prove a particular alcohol concentration. Those regulations must provide:

- (1) ~~A specification as to the minimum observation period before collection of the first breath sample and the time requirements as to collection of second and subsequent samples.~~
- (2) ~~That the test results may only be used to prove a person's particular alcohol concentration if:~~
 - a. ~~The pair of readings employed are from consecutively administered tests; and~~
 - b. ~~The readings do not differ from each other by an alcohol concentration greater than 0.02.~~
- (3) ~~That when a pair of analyses meets the requirements of subdivision (2), only the lower of the two readings may be used by the State as proof of a person's alcohol concentration in any court or administrative proceeding.~~

A person's refusal to give the sequential breath samples necessary to constitute a valid chemical analysis is a refusal under G.S. 20-16.2(c).

A person's refusal to give the second or subsequent breath sample shall make the result of the first breath sample, or the result of the sample providing the lowest alcohol concentration if more than one breath sample is provided, admissible in any judicial or administrative hearing for any relevant purpose, including the establishment that a person had a particular alcohol concentration for conviction of an offense involving impaired driving.

~~(b4) Introducing Routine Records Kept as Part of Breath-Testing Program. – In civil and criminal proceedings, any party may introduce, without further authentication, simulator logs and logs for other devices used to verify a breath testing instrument, certificates and other records concerning the check of ampoules and of simulator stock solution and the stock solution used in any other equilibration device, preventive maintenance records, and other records~~

~~that are routinely kept concerning the maintenance and operation of breath-testing instruments. In a criminal case, however, this subsection does not authorize the State to introduce records to prove the results of a chemical analysis of the defendant or of any validation test of the instrument that is conducted during that chemical analysis.~~

(b5) Subsequent Tests Allowed. – A person may be requested, pursuant to G.S. 20-16.2, to submit to a chemical analysis of the person's blood or other bodily fluid or substance in addition to or in lieu of a chemical analysis of the breath, in the discretion of ~~the charging a law enforcement officer~~. If a subsequent chemical analysis is requested pursuant to this subsection, the person shall again be advised of the implied consent rights in accordance with G.S. 20-16.2(a). A person's willful refusal to submit to a chemical analysis of the blood or other bodily fluid or substance is a willful refusal under G.S. 20-16.2.

(b6) The Department of Health and Human Services shall post on a Web page and file with the clerk of superior court in each county a list of all persons who have a permit authorizing them to perform chemical analyses, the types of analyses that they can perform, the instruments that each person is authorized to operate, the effective dates of the permits, and the records of preventive maintenance. A court shall take judicial notice of whether, at the time of the chemical analysis, the chemical analyst possessed a permit authorizing the chemical analyst to perform the chemical analysis administered and whether preventive maintenance had been performed on the breath-testing instrument in accordance with the Department's rules.

(c) Withdrawal of Blood and Urine for Chemical Analysis. – ~~Notwithstanding any other provision of law, when when a blood or urine test is specified as the type of chemical analysis by the charging a law enforcement officer, only a physician, registered nurse, emergency medical technician, or other qualified person may shall withdraw the blood sample. sample and obtain the urine sample, and no further authorization or approval is required.~~ If the person withdrawing the blood or collecting the urine requests written confirmation of the ~~charging law enforcement officer's~~ request for the withdrawal of ~~blood, blood or collecting the urine,~~ the officer shall furnish it before blood is ~~withdrawn. withdrawn or urine collected.~~ When blood is withdrawn or urine collected pursuant to a ~~charging law enforcement officer's~~ request, neither the person withdrawing the blood nor any hospital, laboratory, or other institution, person, firm, or corporation employing that person, or contracting for the service of withdrawing blood, may be held criminally or civilly liable by reason of withdrawing that blood, except that there is no immunity from liability for negligent acts or omissions.

~~The chemical analyst who analyzes the blood shall complete an affidavit stating the results of the analysis on a form developed by the Department of Health and Human Services and provide the affidavit to the charging officer and the clerk of superior court in the county in which the criminal charges are pending.~~

~~Evidence regarding the qualifications of the person who withdrew the blood sample may be provided at trial by testimony of the charging officer or by an~~

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~~affidavit of the person who withdrew the blood sample and shall be sufficient to constitute prima facie evidence regarding the person's qualifications.~~

(c1) Admissibility. – The results of a chemical analysis of blood or urine by the North Carolina State Bureau of Investigation Laboratory, the Charlotte, North Carolina, Police Department Laboratory, or any other laboratory approved for chemical analysis by the Department of Health and Human Services, are admissible as evidence in all administrative hearings, and in any court, without further authentication. The results shall be certified by the person who performed the analysis, and reported on a form approved by the Attorney General. However, if the defendant notifies the State, at least five days before trial in the superior court division or an adjudicatory hearing in juvenile court that the defendant objects to the introduction of the report into evidence, the admissibility of the report shall be determined and governed by the appropriate rules of evidence.

The report containing the results of any blood or urine test may be transmitted electronically or via facsimile. A copy of the affidavit sent electronically or via facsimile shall be admissible in any court or administrative hearing without further authentication. A copy of the report shall be sent to the charging officer, the clerk of superior court in the county in which the criminal charges are pending, the Division of Motor Vehicles, and the Department of Health and Human Services.

Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the report.

(c2) A chemical analysis of blood or urine, to be admissible under this section, shall be performed in accordance with rules or procedures adopted by the State Bureau of Investigation, or by another laboratory certified by the American Society of Crime Laboratory Directors (ASCLD), for the submission, identification, analysis, and storage of forensic analyses.

(c3) Procedure for Establishing Chain of Custody Without Calling Unnecessary Witnesses. –

- (1) For the purpose of establishing the chain of physical custody or control of blood or urine tested or analyzed to determine whether it contains alcohol, a controlled substance or its metabolite, or any impairing substance, a statement signed by each successive person in the chain of custody that the person delivered it to the other person indicated on or about the date stated is prima facie evidence that the person had custody and made the delivery as stated, without the necessity of a personal appearance in court by the person signing the statement.
- (2) The statement shall contain a sufficient description of the material or its container so as to distinguish it as the particular item in question and shall state that the material was delivered in essentially the same condition as received. The statement may be placed on the same

document as the report provided for in subsection (c1) of this section.

- (3) The provisions of this subsection may be utilized in any administrative hearing and by the State in district court, but can only be utilized in a case originally tried in superior court or an adjudicatory hearing in juvenile court if the defendant fails to notify the State at least five days before trial that the defendant objects to the introduction of the statement into evidence.
- (4) Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the statement.

(c4) The results of a blood or urine test are admissible to prove a person's alcohol concentration or the presence of controlled substances or metabolites or any other impairing substance if:

- (1) A law enforcement officer or chemical analyst requested a blood and/or urine sample from the person charged; and
- (2) A chemical analysis of the person's blood was performed by a chemical analyst possessing a permit issued by the Department of Health and Human Services authorizing the chemical analyst to analyze blood or urine for alcohol or controlled substances, metabolites of a controlled substance, or any other impairing substance.

For purposes of establishing compliance with subdivision (2) of this subsection, the court or administrative agency shall take judicial notice of the list of persons possessing permits, the type of instrument on which each person is authorized to perform tests of the blood and/or urine, and the date the permit was issued and the date it expires.

(d) ~~Right to Additional Test. – A person who submits to a chemical analysis may have a qualified person of his own choosing administer an additional chemical test or tests, or have a qualified person withdraw a blood sample for later chemical testing by a qualified person of his own choosing. Any law enforcement officer having in his charge any person who has submitted to a chemical analysis shall assist the person in contacting someone to administer the additional testing or to withdraw blood, and shall allow access to the person for that purpose. Nothing in this section shall be construed to prohibit a person from obtaining or attempting to obtain an additional chemical analysis. If the person is not released from custody after the initial appearance, the agency having custody of the person shall make reasonable efforts in a timely manner to assist the person in obtaining access to a telephone to arrange for any additional test and allow access to the person in accordance with the agreed procedure in G.S. 20-38.4. The failure or inability of the person who submitted to a chemical analysis to obtain any additional test or to withdraw blood does not preclude the admission of evidence relating to the chemical analysis.~~

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(d1) Right to Require Additional Tests. – If a person refuses to submit to any test or tests pursuant to this section, any law enforcement officer with probable cause may, without a court order, compel the person to provide blood or urine samples for analysis if the officer reasonably believes that the delay necessary to obtain a court order, under the circumstances, would result in the dissipation of the percentage of alcohol in the person's blood or urine.

(d2) Notwithstanding any other provision of law, when a blood or urine sample is requested under subsection (d1) of this section by a law enforcement officer, a physician, registered nurse, emergency medical technician, or other qualified person shall withdraw the blood and obtain the urine sample, and no further authorization or approval is required. If the person withdrawing the blood or collecting the urine requests written confirmation of the charging officer's request for the withdrawal of blood or obtaining urine, the officer shall furnish it before blood is withdrawn or urine obtained.

(d3) When blood is withdrawn or urine collected pursuant to a law enforcement officer's request, neither the person withdrawing the blood nor any hospital, laboratory, or other institution, person, firm, or corporation employing that person, or contracting for the service of withdrawing blood, may be held criminally or civilly liable by reason of withdrawing that blood, except that there is no immunity from liability for negligent acts or omissions. The results of the analysis of blood or urine under this subsection shall be admissible if performed by the State Bureau of Investigation Laboratory or any other hospital or qualified laboratory.

~~(e) Recording Results of Chemical Analysis of Breath. – The chemical analyst who administers a test of a person's breath shall record the following information after making any chemical analysis:~~

- ~~(1) The alcohol concentration or concentrations revealed by the chemical analysis.~~
- ~~(2) The time of the collection of the breath sample or samples used in the chemical analysis.~~

~~A copy of the record of this information shall be furnished to the person submitting to the chemical analysis, or to his attorney, before any trial or proceeding in which the results of the chemical analysis may be used. A person charged with an implied-consent offense who has not received, prior to a trial, a copy of the chemical analysis results the State intends to offer into evidence may request in writing a copy of the results. The failure to provide a copy prior to any trial shall be grounds for a continuance of the case but shall not be grounds to suppress the results of the chemical analysis or to dismiss the criminal charges.~~

~~(e1) Use of Chemical Analyst's Affidavit in District Court. – An affidavit by a chemical analyst sworn to and properly executed before an official authorized to administer oaths is admissible in evidence without further authentication in any hearing or trial in the District Court Division of the General Court of Justice with respect to the following matters:~~

- ~~(1) The alcohol concentration or concentrations or the presence or absence of an impairing substance of a person given a chemical analysis and who is involved in the hearing or trial.~~

- (2) The time of the collection of the blood, breath, or other bodily fluid or substance sample or samples for the chemical analysis.
- (3) The type of chemical analysis administered and the procedures followed.
- (4) The type and status of any permit issued by the Department of Health and Human Services that the analyst held on the date the analyst performed the chemical analysis in question.
- (5) If the chemical analysis is performed on a breath-testing instrument for which regulations adopted pursuant to subsection (b) require preventive maintenance, the date the most recent preventive maintenance procedures were performed on the breath-testing instrument used, as shown on the maintenance records for that instrument.

The Department of Health and Human Services shall develop a form for use by chemical analysts in making this affidavit. If any person who submitted to a chemical analysis desires that a chemical analyst personally testify in the hearing or trial in the District Court Division, the person may subpoena the chemical analyst and examine him as if he were an adverse witness. A subpoena for a chemical analyst shall not be issued unless the person files in writing with the court and serves a copy on the district attorney at least five days prior to trial an affidavit specifying the factual grounds on which the person believes the chemical analysis was not properly administered and the facts that the chemical analyst will testify about and stating that the presence of the analyst is necessary for the proper defense of the case. The district court shall determine if there are grounds to believe that the presence of the analyst requested is necessary for the proper defense. If so, the case shall be continued until the analyst can be present. The criminal case shall not be dismissed due to the failure of the analyst to appear, unless the analyst willfully fails to appear after being ordered to appear by the court.

(f) Evidence of Refusal Admissible. – If any person charged with an implied-consent offense refuses to submit to a chemical ~~analysis, analysis or to perform field sobriety tests at the request of an officer,~~ evidence of that refusal is admissible in any ~~criminal-criminal, civil, or administrative action against him for an implied consent offense under G.S. 20-16.2.~~ the person.

(g) Controlled-Drinking Programs. – The Department of Health and Human Services may adopt rules concerning the ingestion of controlled amounts of alcohol by individuals submitting to chemical testing as a part of scientific, experimental, educational, or demonstration programs. These regulations shall prescribe procedures consistent with controlling federal law governing the acquisition, transportation, possession, storage, administration, and disposition of alcohol intended for use in the programs. Any person in charge of a controlled-drinking program who acquires alcohol under these regulations must keep records accounting for the disposition of all alcohol acquired, and the records must at all reasonable times be available for inspection upon the request

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of any federal, State, or local law-enforcement officer with jurisdiction over the laws relating to control of alcohol. A controlled-drinking program exclusively using lawfully purchased alcoholic beverages in places in which they may be lawfully possessed, however, need not comply with the record-keeping requirements of the regulations authorized by this subsection. All acts pursuant to the regulations reasonably done in furtherance of bona fide objectives of a controlled-drinking program authorized by the regulations are lawful notwithstanding the provisions of any other general or local statute, regulation, or ordinance controlling alcohol."

PART X. IMPROVED ACCESS TO MEDICAL RECORDS IN IMPAIRED DRIVING CASES

SECTION 17. Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-21.20B. Access to medical information for law enforcement purposes.

(a) Notwithstanding any other provision of law, if a person is involved in a vehicle crash:

- (1) Any health care provider who is providing medical treatment to the person shall, upon request, disclose to any law enforcement officer investigating the crash the following information about the person: name, current location, and whether the person appears to be impaired by alcohol, drugs, or another substance.
- (2) Law enforcement officers shall be provided access to visit and interview the person upon request, except when the health care provider requests temporary privacy for medical reasons.
- (3) A health care provider shall disclose a certified copy of all identifiable health information related to that person as specified in a search warrant or an order issued by a judicial official.

(b) A prosecutor or law enforcement officer receiving identifiable health information under this section shall not disclose this information to others except as necessary to the investigation or otherwise allowed by law.

(c) A certified copy of identifiable health information, if relevant, shall be admissible in any hearing or trial without further authentication.

(d) As used in this section, "health care provider" has the same meaning as in G.S. 90-21.11."

SECTION 18. G.S. 8-53.1 reads as rewritten:

"§ 8-53.1. Physician-patient and nurse privilege waived in child abuse; disclosure of information in impaired driving accident cases.

(a) Notwithstanding the provisions of G.S. 8-53 and G.S. 8-53.13, the physician-patient or nurse privilege shall not be a ground for excluding evidence regarding the abuse or neglect of a child under the age of 16 years or regarding an illness of or injuries to such child or the cause thereof in any judicial

proceeding related to a report pursuant to the North Carolina Juvenile Code, Chapter 7B of the General Statutes of North Carolina.

(b) Nothing in this Article shall preclude a health care provider, as defined in G.S. 90-21.11, from disclosing information to a law enforcement agency investigating a vehicle crash under the provisions of G.S. 90-21.20B."

PART XI. PROSECUTOR REPORTING WHEN IMPLIED-CONSENT CASE IS DISMISSED

SECTION 19. G.S. 20-138.4 reads as rewritten:

"§ 20-138.4. Requirement that prosecutor explain reduction or dismissal of charge involving impaired driving.

(a) Any prosecutor ~~must~~ shall enter detailed facts in the record of any case ~~involving impaired driving subject to the implied-consent law or involving driving while license revoked for impaired driving as defined in G.S. 20-28.2~~ explaining orally in open court and in writing the reasons for his action if he:

- (1) Enters a voluntary dismissal; or
- (2) Accepts a plea of guilty or no contest to a lesser included offense; or
- (3) Substitutes another charge, by statement of charges or otherwise, if the substitute charge carries a lesser mandatory minimum punishment or is not an offense involving impaired driving; or
- (4) Otherwise takes a discretionary action that effectively dismisses or reduces the original charge in the case involving impaired driving.

General explanations such as "interests of justice" or "insufficient evidence" are not sufficiently detailed to meet the requirements of this section.

(b) The written explanation shall be signed by the prosecutor taking the action on a form approved by the Administrative Office of the Courts and shall contain, at a minimum:

- (1) The alcohol concentration or the fact that the driver refused.
- (2) A list of all prior convictions of implied-consent offenses or driving while license revoked.
- (3) Whether the driver had a valid drivers license or privilege to drive in this State as indicated by the Division's records.
- (4) A statement that a check of the database of the Administrative Office of the Courts revealed whether any other charges against the defendant were pending.
- (5) The elements that the prosecutor believes in good faith can be proved, and a list of those elements that the prosecutor cannot prove and why.
- (6) The name and agency of the charging officer and whether the officer is available.
- (7) Any reason why the charges are dismissed.

(c) A copy of the form required in subsection (b) of this section shall be sent to the head of the law enforcement agency that employed the charging officer, to the district attorney who employs the prosecutor, and filed in the court

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file. The Administrative Office of the Courts shall electronically record this data in its database and make it available upon request."

SECTION 20.1. G.S. 7A-109.2 reads as rewritten:

"§ 7A-109.2. Records of dispositions in criminal ~~cases~~; impaired driving integrated data system.

(a) Each clerk of superior court shall ensure that all records of dispositions in criminal cases, including those records filed electronically, contain all the essential information about the case, including the ~~identity~~ the name of the presiding judge and the attorneys representing the State and the defendant.

(b) In addition to the information required by subsection (a) of this section for all offenses involving impaired driving as defined by G.S. 20-4.01, all charges of driving while license revoked for an impaired driving license revocation as defined by G.S. 20-28.2, and any other violation of the motor vehicle code involving the operation of a vehicle and the possession, consumption, use, or transportation of alcoholic beverages, the clerk shall include in the electronic records the following information:

- (1) The reasons for any pretrial dismissal by the court.
- (2) The alcohol concentration reported by the charging officer or chemical analyst, if any.
- (3) The reasons for any suppression of evidence."

SECTION 20.2. Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-346.3. Impaired driving integrated data system report.

The information compiled by G.S. 7A-109.2 shall be maintained in an Administrative Office of the Courts database. By March 1, the Administrative Office of the Courts shall provide an annual report of the previous calendar year to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee. The annual report shall show the types of dispositions for the entire State by county, by judge, by prosecutor, and by defense attorney. This report shall also include the amount of fines, costs, and fees ordered at the disposition of the charge, the amount of any subsequent reduction, amount collected, and the amount still owed, and compliance with sanctions of community service, jail, substance abuse assessment, treatment, and education. The Administrative Office of the Courts shall facilitate public access to the information collected under this section by posting this information on the court's Internet page in a manner accessible to the public and shall make reports of any information collected under this section available to the public upon request and without charge."

PART XII. NOTICE PROCEDURE AND DRIVING WHILE LICENSE REVOKED AFTER FAILURE TO APPEAR

SECTION 21. G.S. 20-48 reads as rewritten:

"§ 20-48. Giving of notice.

(a) Whenever the Division is authorized or required to give any notice under this Chapter or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such

notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with postage prepaid, addressed to such person at his address as shown by the records of the Division. The giving of notice by mail is complete upon the expiration of four days after such deposit of such notice. Proof of the giving of notice in either such manner may be made by ~~the certificate of any officer or employee of the Division or affidavit of any person over 18 years of age, naming the person to whom such notice was given and specifying the time, place, and manner of the giving thereof.~~ a notation in the records of the Division that the notice was sent to a particular address and the purpose of the notice. A certified copy of the Division's records may be sent by the Police Information Network, facsimile, or other electronic means. A copy of the Division's records sent under the authority of this section is admissible as evidence in any court or administrative agency and is sufficient evidence to discharge the burden of the person presenting the record that notice was sent to the person named in the record, at the address indicated in the record, and for the purpose indicated in the record. There is no requirement that the actual notice or letter be produced.

(b) Notwithstanding any other provision of this Chapter at any time notice is now required by registered mail with return receipt requested, certified mail with return receipt requested may be used in lieu thereof and shall constitute valid notice to the same extent and degree as notice by registered mail with return receipt requested.

(c) The Commissioner shall appoint such agents of the Division as may be needed to serve revocation notices required by this Chapter. The fee for service of a notice shall be fifty dollars (\$50.00)."

SECTION 22.1. G.S. 20-28 reads as rewritten:

"§ 20-28. **Unlawful to drive while license ~~revoked~~ revoked, after notification, or while disqualified.**

(a) Driving While License Revoked. – Except as provided in subsection (a1) of this section, any person whose drivers license has been revoked who drives any motor vehicle upon the highways of the State while the license is revoked is guilty of a Class 1 misdemeanor. Upon conviction, the person's license shall be revoked for an additional period of one year for the first offense, two years for the second offense, and permanently for a third or subsequent offense.

The restoree of a revoked drivers license who operates a motor vehicle upon the highways of the State without maintaining financial responsibility as provided by law shall be punished as for driving without a license.

(a1) Driving Without Reclaiming License. – A person convicted under subsection (a) shall be punished as if the person had been convicted of driving without a license under G.S. 20-35 if the person demonstrates to the court that either subdivisions (1) and (2), or subdivision (3) of this subsection is true:

- (1) At the time of the offense, the person's license was revoked solely under G.S. 20-16.5; and
- (2) a. The offense occurred more than 45 days after the effective date of a revocation order issued under G.S. 20-16.5(f) and the period of revocation was

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- 45 days as provided under subdivision (3) of that subsection; or
- b. The offense occurred more than 30 days after the effective date of the revocation order issued under any other provision of G.S. 20-16.5; or
- (3) At the time of the offense the person had met the requirements of G.S. 50-13.12, or G.S. 110-142.2 and was eligible for reinstatement of the person's drivers license privilege as provided therein.

In addition, a person punished under this subsection shall be treated for drivers license and insurance rating purposes as if the person had been convicted of driving without a license under G.S. 20-35, and the conviction report sent to the Division must indicate that the person is to be so treated.

(a2) Driving After Notification or Failure to Appear. – A person shall be guilty of a Class 1 misdemeanor if:

- (1) The person drives upon a highway while that person's license is revoked for an impaired drivers license revocation after the Division has sent notification in accordance with G.S. 20-48; or
- (2) The person fails to appear for two years from the date of the charge after being charged with an implied-consent offense.

Upon conviction, the person's drivers license shall be revoked for an additional period of one year for the first offense, two years for the second offense, and permanently for a third or subsequent offense. The restorer of a revoked drivers license who operates a motor vehicle upon the highways of the State without maintaining financial responsibility as provided by law shall be punished as for driving without a license.

(b) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 3.

(c) When Person May Apply for License. – A person whose license has been revoked may apply for a license as follows:

- (1) If revoked under subsection (a) of this section for one ~~year~~ year, the person may apply for a license after 90 days.
- (2) If punished under subsection (a1) of this section and the original revocation was pursuant to G.S. 20-16.5, in order to obtain reinstatement of a drivers license, the person must obtain a substance abuse assessment and show proof of financial responsibility to the Division. If the assessment recommends education or treatment, the person must complete the education or treatment within the time limits specified by the Division.
- (3) If revoked under subsection (a2) of this section for one year, the person may apply for a license after one year.
- (4) If revoked under this section for two years, the person may apply for a license after one year.

- (5) If revoked under this section permanently, the person may apply for a license after three years.~~A person whose license has been revoked under this section for two years may apply for a license after 12 months. A person whose license has been revoked under this section permanently may apply for a license after three years.~~

(c1) Upon the filing of an application the Division may, with or without a hearing, issue a new license upon satisfactory proof that the former licensee has not been convicted of a moving violation under this Chapter or the laws of another state, a violation of any provision of the alcoholic beverage laws of this State or another state, or a violation of any provisions of the drug laws of this State or another state when any of these violations occurred during the revocation period.

(c2) The Division may impose any restrictions or conditions on the new license that the Division considers appropriate for the balance of the revocation period. When the revocation period is permanent, the restrictions and conditions imposed by the Division may not exceed three years.

(c3) A person whose license is revoked for violation of subsection (a) of this section where the person's license was originally revoked for an impaired driving revocation, or a person whose license is revoked for a violation of subsection (a2) of this section, may only have the license conditionally restored by the Division pursuant to the provisions of subsection (c4) of this section.

(c4) For a conditional restoration under subsection (c3) of this section, the Division shall require at a minimum that the driver obtain a substance abuse assessment prior to issuance of a license and show proof of financial responsibility. If the substance abuse assessment recommends education or treatment, the person must complete the education or treatment within the time limits specified. If the assessment determines that the person abuses alcohol, the Division shall require the person to install and use an ignition interlock system on any vehicles that are to be driven by that person for the period of time set forth in G.S. 20-17.8(c).

(c5) For licenses conditionally restored pursuant to subsections (c3) and (c4) of this section, the Division shall cancel the license and impose the remaining revocation period if any of the following occur:

- (1) The person violates any condition of the restoration.
- (2) The person is convicted of any moving offense in this or another state.
- (3) The person is convicted for a violation of the alcoholic beverage or controlled substance laws of this or any other state.

(d) Driving While Disqualified. – A person who was convicted of a violation that disqualified the person and required the person's drivers license to be revoked who drives a motor vehicle during the revocation period is punishable as provided in the other subsections of this section. A person who has been disqualified who drives a commercial motor vehicle during the disqualification period is guilty of a Class 1 misdemeanor and is disqualified for an additional period as follows:

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- (1) For a first offense of driving while disqualified, a person is disqualified for a period equal to the period for which the person was disqualified when the offense occurred.
- (2) For a second offense of driving while disqualified, a person is disqualified for a period equal to two times the period for which the person was disqualified when the offense occurred.
- (3) For a third offense of driving while disqualified, a person is disqualified for life.

The Division may reduce a disqualification for life under this subsection to 10 years in accordance with the guidelines adopted under G.S. 20-17.4(b). A person who drives a commercial motor vehicle while the person is disqualified and the person's drivers license is revoked is punishable for both driving while the person's license was revoked and driving while disqualified."

SECTION 22.2. G.S. 20-17(a)(2) reads as rewritten:

"(a) The Division shall forthwith revoke the license of any driver upon receiving a record of the driver's conviction for any of the following offenses:

- ...
- (2) Either of the following impaired driving offenses:
 - a. Impaired driving under G.S. 20-138.1.
 - b. Impaired driving under ~~G.S. 20-138.2~~ G.S. 20-138.2, if the driver's alcohol concentration level was .06 or higher. For the purposes of this subdivision, the driver's alcohol concentration level result, obtained by chemical analysis, shall be conclusive and is not subject to modification by any party, with or without approval by the court."

SECTION 22.3. G.S. 20-17.8(b) reads as rewritten:

"(b) Ignition Interlock Required. – ~~When~~ Except as provided in subsection (1) of this section, when the Division restores the license of a person who is subject to this section, in addition to any other restriction or condition, it shall require the person to agree to and shall indicate on the person's drivers license the following restrictions for the period designated in subsection (c):

- (1) A restriction that the person may operate only a vehicle that is equipped with a functioning ignition interlock system of a type approved by the Commissioner. The Commissioner shall not unreasonably withhold approval of an ignition interlock system and shall consult with the Division of Purchase and Contract in the Department of Administration to ensure that potential vendors are not discriminated against.
- (2) A requirement that the person personally activate the ignition interlock system before driving the motor vehicle.
- (3) An alcohol concentration restriction as follows:
 - a. If the ignition interlock system is required pursuant only to subdivision (a)(1) of this

- section, a requirement that the person not drive with an alcohol concentration of 0.04 or greater;
- b. If the ignition interlock system is required pursuant to subdivision (a)(2) of this section, a requirement that the person not drive with an alcohol concentration of greater than 0.00; or
 - c. If the ignition interlock system is required pursuant to subdivision (a)(1) of this section, and the person has also been convicted, based on the same set of circumstances, of: (i) driving while impaired in a commercial vehicle, G.S. 20-138.2, (ii) driving while less than 21 years old after consuming alcohol or drugs, G.S. 20-138.3, (iii) felony death by vehicle, G.S. 20-141.4(a1), or (iv) manslaughter or negligent homicide resulting from the operation of a motor vehicle when the offense involved impaired driving, a requirement that the person not drive with an alcohol concentration of greater than 0.00."

SECTION 22.4. G.S. 20-17.8 is amended by adding a new subsection to read:

"(l) Medical Exception to Requirement. – A person subject to this section who has a medically diagnosed physical condition that makes the person incapable of personally activating an ignition interlock system may request an exception to the requirements of this section from the Division. The Division shall not issue an exception to this section unless the person has submitted to a physical examination by two or more physicians or surgeons duly licensed to practice medicine in this State or in any other state of the United States and unless such examining physicians or surgeons have completed and signed a certificate in the form prescribed by the Division. Such certificate shall be devised by the Commissioner with the advice of those qualified experts in the field of diagnosing and treating physical disorders that the Commissioner may select and shall be designed to elicit the maximum medical information necessary to aid in determining whether or not the person is capable of personally activating an ignition interlock system. The certificate shall contain a waiver of privilege and the recommendation of the examining physician to the Commissioner as to whether the person is capable of personally activating an ignition interlock system.

The Commissioner is not bound by the recommendations of the examining physicians but shall give fair consideration to such recommendations in acting upon the request for medical exception, the criterion being whether or not, upon all the evidence, it appears that the person is in fact incapable of personally activating an ignition interlock system. The burden of proof of such fact is upon the person seeking the exception.

Whenever an exception is denied by the Commissioner, such denial may be reviewed by a reviewing board upon written request of the person seeking the

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exception filed with the Division within 10 days after receipt of such denial. The composition, procedures, and review of the reviewing board shall be as provided in G.S. 20-9(g)(4)."

PART XIII. MODIFYING CURRENT PUNISHMENTS

SECTION 23. G.S. 20-179 reads as rewritten:

"§ 20-179. **Sentencing hearing after conviction for impaired driving; determination of grossly aggravating and aggravating and mitigating factors; punishments.**

(a) Sentencing Hearing Required. – After a conviction ~~for impaired driving~~ under G.S. 20-138.1, G.S. 20-138.2, a second or subsequent conviction under G.S. 20-138.2A, or a second or subsequent conviction under G.S. 20-138.2B, G.S. 20-138.3, or when any of those offenses are remanded back to district court after an appeal to superior court, the judge ~~must~~ shall hold a sentencing hearing to determine whether there are aggravating or mitigating factors that affect the sentence to be imposed.

(1) The court shall consider evidence of aggravating or mitigating factors present in the offense that make an aggravated or mitigated sentence appropriate. The State bears the burden of proving beyond a reasonable doubt that an aggravating factor exists, and the offender bears the burden of proving by a preponderance of the evidence that a mitigating factor exists.

(2) Before the hearing the prosecutor ~~must~~ shall make all feasible efforts to secure the defendant's full record of traffic convictions, and ~~must~~ shall present to the judge that record for consideration in the hearing. Upon request of the defendant, the prosecutor ~~must~~ shall furnish the defendant or his attorney a copy of the defendant's record of traffic convictions at a reasonable time prior to the introduction of the record into evidence. In addition, the prosecutor ~~must~~ shall present all other appropriate grossly aggravating and aggravating factors of which he is aware, and the defendant or his attorney may present all appropriate mitigating factors. In every instance in which a valid chemical analysis is made of the defendant, the prosecutor ~~must~~ shall present evidence of the resulting alcohol concentration.

(a1) Jury Trial in Superior Court; Jury Procedure if Trial Bifurcated. –

(1) Notice. – If the defendant appeals to superior court, and the State intends to use one or more aggravating factors under subsections (c) or (d) of this section, the State must provide the defendant with notice of its intent. The notice shall be provided no later than 10 days prior to trial and shall contain a plain and concise factual statement indicating the factor or factors it intends to use under the authority of subsections (c) and (d) of this section. The

notice must list all the aggravating factors that the State seeks to establish.

- (2) Aggravating factors. – The defendant may admit to the existence of an aggravating factor, and the factor so admitted shall be treated as though it were found by a jury pursuant to the procedures in this section. If the defendant does not so admit, only a jury may determine if an aggravating factor is present. The jury impaneled for the trial may, in the same trial, also determine if one or more aggravating factors is present, unless the court determines that the interests of justice require that a separate sentencing proceeding be used to make that determination. If the court determines that a separate proceeding is required, the proceeding shall be conducted by the trial judge before the trial jury as soon as practicable after the guilty verdict is returned. The State bears the burden of proving beyond a reasonable doubt that an aggravating factor exists, and the offender bears the burden of proving by a preponderance of the evidence that a mitigating factor exists.
 - (3) Convening the jury. – If prior to the time that the trial jury begins its deliberations on the issue of whether one or more aggravating factors exist, any juror dies, becomes incapacitated or disqualified, or is discharged for any reason, an alternate juror shall become a part of the jury and serve in all respects as those selected on the regular trial panel. An alternate juror shall become a part of the jury in the order in which the juror was selected. If the trial jury is unable to reconvene for a hearing on the issue of whether one or more aggravating factors exist after having determined the guilt of the accused, the trial judge shall impanel a new jury to determine the issue.
 - (4) Jury selection. – A jury selected to determine whether one or more aggravating factors exist shall be selected in the same manner as juries are selected for the trial of criminal cases.
- (a2) Jury Trial on Aggravating Factors in Superior Court. –
- (1) Defendant admits aggravating factor only. – If the defendant admits that an aggravating factor exists, but pleads not guilty to the underlying charge, a jury shall be impaneled to dispose of the charge only. In that case, evidence that relates solely to the establishment of an aggravating factor shall not be admitted in the trial.
 - (2) Defendant pleads guilty to the charge only. – If the defendant pleads guilty to the charge, but contests the existence of one or more aggravating factors, a jury shall

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be impaneled to determine if the aggravating factor or factors exist.

(b) Repealed by Session Laws 1983, c. 435, s. 29.

(c) Determining Existence of Grossly Aggravating Factors. – At the sentencing hearing, based upon the evidence presented at trial and in the hearing, the ~~judge~~ judge, or the jury in superior court, must first determine whether there are any grossly aggravating factors in the case. Whether a prior conviction exists under subdivision (1) of this subsection shall be a matter to be determined by the judge, and not the jury, in district or superior court. If the sentencing hearing is for a case remanded back to district court from superior court, the judge shall determine whether the defendant has been convicted of any offense that was not considered at the initial sentencing hearing and impose the appropriate sentence under this section. The judge must impose the Level One punishment under subsection (g) of this section if ~~the judge determines it is determined~~ that two or more grossly aggravating factors apply. The judge must impose the Level Two punishment under subsection (h) of this section if ~~the judge determines it is determined~~ that only one of the grossly aggravating factors applies. The grossly aggravating factors are:

- (1) A prior conviction for an offense involving impaired driving if:
 - a. The conviction occurred within seven years before the date of the offense for which the defendant is being sentenced; or
 - b. The conviction occurs after the date of the offense for which the defendant is presently being sentenced, but prior to or contemporaneously with the present sentencing.

Each prior conviction is a separate grossly aggravating factor.
- (2) Driving by the defendant at the time of the offense while his driver's license was revoked under G.S. 20-28, and the revocation was an impaired driving revocation under G.S. 20-28.2(a).
- (3) Serious injury to another person caused by the defendant's impaired driving at the time of the offense.
- (4) Driving by the defendant while a child under the age of 16 years was in the vehicle at the time of the offense.

In imposing a Level One or Two punishment, the judge may consider the aggravating and mitigating factors in subsections (d) and (e) in determining the appropriate sentence. If there are no grossly aggravating factors in the case, the judge must weigh all aggravating and mitigating factors and impose punishment as required by subsection (f).

(c1) Written Findings. – The court shall make findings of the aggravating and mitigating factors present in the offense. If the jury finds factors in aggravation, the court shall ensure that those findings are entered in the court's determination of sentencing factors form or any comparable document used to record the findings of sentencing factors. Findings shall be in writing.

(d) Aggravating Factors to Be Weighed. – The ~~judge~~judge, or the jury in superior court, must shall determine before sentencing under subsection (f) whether any of the aggravating factors listed below apply to the defendant. The judge ~~must shall~~ weigh the seriousness of each aggravating factor in the light of the particular circumstances of the case. The factors are:

- (1) Gross impairment of the defendant's faculties while driving or an alcohol concentration of 0.16 or more within a relevant time after the driving.
- (2) Especially reckless or dangerous driving.
- (3) Negligent driving that led to a reportable accident.
- (4) Driving by the defendant while his driver's license was revoked.
- (5) Two or more prior convictions of a motor vehicle offense not involving impaired driving for which at least three points are assigned under G.S. 20-16 or for which the convicted person's license is subject to revocation, if the convictions occurred within five years of the date of the offense for which the defendant is being sentenced, or one or more prior convictions of an offense involving impaired driving that occurred more than seven years before the date of the offense for which the defendant is being sentenced.
- (6) Conviction under G.S. 20-141.5 of speeding by the defendant while fleeing or attempting to elude apprehension.
- (7) Conviction under G.S. 20-141 of speeding by the defendant by at least 30 miles per hour over the legal limit.
- (8) Passing a stopped school bus in violation of G.S. 20-217.
- (9) Any other factor that aggravates the seriousness of the offense.

Except for the factor in subdivision (5) the conduct constituting the aggravating factor ~~must shall~~ occur during the same transaction or occurrence as the impaired driving offense.

(e) Mitigating Factors to Be Weighed. – The judge ~~must shall~~ also determine before sentencing under subsection (f) whether any of the mitigating factors listed below apply to the defendant. The judge ~~must shall~~ weigh the degree of mitigation of each factor in light of the particular circumstances of the case. The factors are:

- (1) Slight impairment of the defendant's faculties resulting solely from alcohol, and an alcohol concentration that did not exceed 0.09 at any relevant time after the driving.
- (2) Slight impairment of the defendant's faculties, resulting solely from alcohol, with no chemical analysis having been available to the defendant.
- (3) Driving at the time of the offense that was safe and lawful except for the impairment of the defendant's faculties.

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- (4) A safe driving record, with the defendant's having no conviction for any motor vehicle offense for which at least four points are assigned under G.S. 20-16 or for which the person's license is subject to revocation within five years of the date of the offense for which the defendant is being sentenced.
- (5) Impairment of the defendant's faculties caused primarily by a lawfully prescribed drug for an existing medical condition, and the amount of the drug taken was within the prescribed dosage.
- (6) The defendant's voluntary submission to a mental health facility for assessment after he was charged with the impaired driving offense for which he is being sentenced, and, if recommended by the facility, his voluntary participation in the recommended treatment.
- (7) Any other factor that mitigates the seriousness of the offense.

Except for the factors in subdivisions (4), (6) and (7), the conduct constituting the mitigating factor ~~must shall~~ occur during the same transaction or occurrence as the impaired driving offense.

(f) Weighing the Aggravating and Mitigating Factors. – If the judge or the jury in the sentencing hearing determines that there are no grossly aggravating factors, ~~he the judge must shall~~ weigh all aggravating and mitigating factors listed in subsections (d) and (e). If the judge determines that:

- (1) The aggravating factors substantially outweigh any mitigating factors, ~~he must the judge shall~~ note in the judgment the factors found and his finding that the defendant is subject to the Level Three punishment and impose a punishment within the limits defined in subsection (i).
- (2) There are no aggravating and mitigating factors, or that aggravating factors are substantially counterbalanced by mitigating factors, ~~he must the judge shall~~ note in the judgment any factors found and ~~his the~~ finding that the defendant is subject to the Level Four punishment and impose a punishment within the limits defined in subsection (j).
- (3) The mitigating factors substantially outweigh any aggravating factors, ~~he must the judge shall~~ note in the judgment the factors found and his finding that the defendant is subject to the Level Five punishment and impose a punishment within the limits defined in subsection (k).

It is not a mitigating factor that the driver of the vehicle was suffering from alcoholism, drug addiction, diminished capacity, or mental disease or defect. Evidence of these matters may be received in the sentencing hearing, however,

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for use by the judge in formulating terms and conditions of sentence after determining which punishment level ~~must~~ shall be imposed.

(f1) Aider and Abettor Punishment. – Notwithstanding any other provisions of this section, a person convicted of impaired driving under G.S. 20-138.1 under the common law concept of aiding and abetting is subject to Level Five punishment. The judge need not make any findings of grossly aggravating, aggravating, or mitigating factors in such cases.

(f2) Limit on Consolidation of Judgments. – Except as provided in subsection (f1), in each charge of impaired driving for which there is a conviction the judge ~~must~~ shall determine if the sentencing factors described in subsections (c), (d) and (e) are applicable unless the impaired driving charge is consolidated with a charge carrying a greater punishment. Two or more impaired driving charges may not be consolidated for judgment.

(g) Level One Punishment. – A defendant subject to Level One punishment may be fined up to four thousand dollars (\$4,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than 30 days and a maximum term of not more than 24 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least 30 days. If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of probation. The judge may impose any other lawful condition of probation.

(h) Level Two Punishment. – A defendant subject to Level Two punishment may be fined up to two thousand dollars (\$2,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than seven days and a maximum term of not more than 12 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least seven days. If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of probation. The judge may impose any other lawful condition of probation.

(i) Level Three Punishment. – A defendant subject to Level Three punishment may be fined up to one thousand dollars (\$1,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than 72 hours and a maximum term of not more than six months. The term of imprisonment may be suspended. However, the suspended sentence shall include the condition that the defendant:

- (1) Be imprisoned for a term of at least 72 hours as a condition of special probation; or
- (2) Perform community service for a term of at least 72 hours; or
- (3) ~~Not operate a motor vehicle for a term of at least 90 days;~~
or

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- (4) Any combination of these conditions.

If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of probation. The judge may impose any other lawful condition of probation.

(j) Level Four Punishment. – A defendant subject to Level Four punishment may be fined up to five hundred dollars (\$500.00) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than 48 hours and a maximum term of not more than 120 days. The term of imprisonment may be suspended. However, the suspended sentence shall include the condition that the defendant:

- (1) Be imprisoned for a term of 48 hours as a condition of special probation; or
- (2) Perform community service for a term of 48 hours; or
- ~~(3) Not operate a motor vehicle for a term of 60 days; or~~
- (4) Any combination of these conditions.

If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of probation. The judge may impose any other lawful condition of probation.

(k) Level Five Punishment. – A defendant subject to Level Five punishment may be fined up to two hundred dollars (\$200.00) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than 24 hours and a maximum term of not more than 60 days. The term of imprisonment may be suspended. However, the suspended sentence shall include the condition that the defendant:

- (1) Be imprisoned for a term of 24 hours as a condition of special probation; or
- (2) Perform community service for a term of 24 hours; or
- ~~(3) Not operate a motor vehicle for a term of 30 days; or~~
- (4) Any combination of these conditions.

If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of probation. The judge may impose any other lawful condition of probation.

(k1) Credit for Inpatient Treatment. – Pursuant to G.S. 15A-1351(a), the judge may order that a term of imprisonment imposed as a condition of special probation under any level of punishment be served as an inpatient in a facility operated or licensed by the State for the treatment of alcoholism or substance abuse where the defendant has been accepted for admission or commitment as an inpatient. The defendant shall bear the expense of any treatment unless the trial judge orders that the costs be absorbed by the State. The judge may impose restrictions on the defendant's ability to leave the premises of the treatment facility

and require that the defendant follow the rules of the treatment facility. The judge may credit against the active sentence imposed on a defendant the time the defendant was an inpatient at the treatment facility, provided such treatment occurred after the commission of the offense for which the defendant is being sentenced. This section shall not be construed to limit the authority of the judge in sentencing under any other provisions of law.

(l) Repealed by Session Laws 1989, c. 691.

(m) Repealed by Session Laws 1995, c. 496, s. 2.

(n) Time Limits for Performance of Community Service. – If the judgment requires the defendant to perform a specified number of hours of community service as provided in subsections (i), (j), or (k), the community service ~~must~~ shall be completed:

(1) Within 90 days, if the amount of community service required is 72 hours or more; or

(2) Within 60 days, if the amount of community service required is 48 hours; or

(3) Within 30 days, if the amount of community service required is 24 hours.

The court may extend these time limits upon motion of the defendant if it finds that the defendant has made a good faith effort to comply with the time limits specified in this subsection.

(o) Evidentiary Standards; Proof of Prior Convictions. – In the sentencing hearing, the State ~~must~~ shall prove any grossly aggravating or aggravating factor ~~by the greater weight of the evidence, beyond a reasonable doubt,~~ and the defendant ~~must~~ shall prove any mitigating factor by the greater weight of the evidence. Evidence adduced by either party at trial may be utilized in the sentencing hearing. Except as modified by this section, the procedure in G.S. 15A-1334(b) governs. The judge may accept any evidence as to the presence or absence of previous convictions that he finds reliable but he ~~must~~ shall give prima facie effect to convictions recorded by the Division or any other agency of the State of North Carolina. A copy of such conviction records transmitted by the police information network in general accordance with the procedure authorized by G.S. 20-26(b) is admissible in evidence without further authentication. If the judge decides to impose an active sentence of imprisonment that would not have been imposed but for a prior conviction of an offense, the judge ~~must~~ shall afford the defendant an opportunity to introduce evidence that the prior conviction had been obtained in a case in which he was indigent, had no counsel, and had not waived his right to counsel. If the defendant proves by the preponderance of the evidence all three above facts concerning the prior case, the conviction may not be used as a grossly aggravating or aggravating factor.

(p) Limit on Amelioration of Punishment. – For active terms of imprisonment imposed under this section:

(1) The judge may not give credit to the defendant for the first 24 hours of time spent in incarceration pending trial.

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- (2) The defendant shall serve the mandatory minimum period of imprisonment and good or gain time credit may not be used to reduce that mandatory minimum period.
- (3) The defendant may not be released on parole unless he is otherwise eligible, has served the mandatory minimum period of imprisonment, and has obtained a substance abuse assessment and completed any recommended treatment or training program or is paroled into a residential treatment program.

With respect to the minimum or specific term of imprisonment imposed as a condition of special probation under this section, the judge may not give credit to the defendant for the first 24 hours of time spent in incarceration pending trial.

(q) Repealed by Session Laws 1991, c. 726, s. 20.

(r) Supervised Probation Terminated. – Unless a judge in his discretion determines that supervised probation is necessary, and includes in the record that he has received evidence and finds as a fact that supervised probation is necessary, and states in his judgment that supervised probation is necessary, a defendant convicted of an offense of impaired driving shall be placed on unsupervised probation if he meets three conditions. These conditions are that he has not been convicted of an offense of impaired driving within the seven years preceding the date of this offense for which he is sentenced, that the defendant is sentenced under subsections (i), (j), and (k) of this section, and has obtained any necessary substance abuse assessment and completed any recommended treatment or training program.

When a judge determines in accordance with the above procedures that a defendant should be placed on supervised probation, the judge shall authorize the probation officer to modify the defendant's probation by placing the defendant on unsupervised probation upon the completion by the defendant of the following conditions of his suspended sentence:

- (1) Community service; or
- (2) Repealed by Session Laws 1995 c. 496, s. 2.
- (3) Payment of any fines, court costs, and fees; or
- (4) Any combination of these conditions.

(s) Method of Serving Sentence. – The judge in his discretion may order a term of imprisonment ~~or community service~~ to be served on weekends, even if the sentence cannot be served in consecutive sequence. However, if the defendant is ordered to a term of 48 hours or more, or has 48 hours or more remaining on a term of imprisonment, the defendant shall be required to serve 48 continuous hours of imprisonment to be given credit for time served.

- (1) Credit for any jail time shall only be given hour for hour for time actually served. The jail shall maintain a log showing number of hours served.
- (2) The defendant shall be refused entrance and shall be reported back to court if the defendant appears at the jail and has remaining in his body any alcohol as shown by an alcohol screening device or controlled substance

previously consumed, unless lawfully obtained and taken in therapeutically appropriate amounts.

- (3) If a defendant has been reported back to court under subdivision (2) of this subsection, the court shall hold a hearing. The defendant shall be ordered to serve his jail time immediately and shall not be eligible to serve jail time on weekends if the court determines that, at the time of his entrance to the jail, if

- a. The defendant had previously consumed alcohol in his body as shown by an alcohol screening device, or
 b. The defendant had a previously consumed controlled substance in his body.

It shall be a defense to an immediate service of sentence of jail time and ineligibility for weekend service of jail time if the court determines that alcohol or controlled substance was lawfully obtained and was taken in therapeutically appropriate amounts.

- (t) Repealed by Session Laws 1995, c. 496, s. 2."

SECTION 24. Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-109.4. Records of offenses involving impaired driving.

The clerk of superior court shall maintain all records relating to an offense involving impaired driving as defined in G.S. 20-4.01(24a) for a minimum of 10 years from the date of conviction. Prior to destroying the record, the clerk shall record the name of the defendant, the judge, the prosecutor, and the attorney or whether there was a waiver of attorney, the alcohol concentration or the fact of refusal, the sentence imposed, and whether the case was appealed to superior court and its disposition."

SECTION 25. G.S. 20-17.2 is repealed.

PART XIV. MAKING IT ILLEGAL FOR A PERSON UNDER 21 YEARS OF AGE TO CONSUME AS WELL AS POSSESS ALCOHOL AND TO ALLOW ALCOHOL SCREENING DEVICES TO BE USED TO PROVE A PERSON HAS CONSUMED ALCOHOL

SECTION 26. G.S. 18B-302 reads as rewritten:

"§ 18B-302. Sale to or purchase by underage persons.

- (a) Sale. – It shall be unlawful for any person to:
- (1) Sell or give malt beverages or unfortified wine to anyone less than 21 years old; or
 - (2) Sell or give fortified wine, spirituous liquor, or mixed beverages to anyone less than 21 years old.

- (b) ~~Purchase or Possession.~~ Purchase, Possession, or Consumption. –

It shall be unlawful for:

- (1) A person less than 21 years old to purchase, to attempt to purchase, or to possess malt beverages or unfortified wine; or

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- (2) A person less than 21 years old to purchase, to attempt to purchase, or to possess fortified wine, spirituous liquor, or mixed ~~beverages-beverages; or~~
- (3) A person less than 21 years old to consume any alcoholic beverage.

...

(i) ~~Purchase or Possession~~Purchase, Possession, or Consumption by 19 or 20-Year Old. – A violation of subdivision (b)(1) or (b)(3) of this section by a person who is 19 or 20 years old is a Class 3 misdemeanor.

(j) Notwithstanding any other provisions of law, a law enforcement officer may require any person the officer has probable cause to believe is under age 21 and has consumed alcohol to submit to an alcohol screening test using a device approved by the Department of Health and Human Services. The results of any screening device administered in accordance with the rules of the Department of Health and Human Services shall be admissible in any court or administrative proceeding. A refusal to submit to an alcohol screening test shall be admissible in any court or administrative proceeding.

(k) Notwithstanding the provisions in this section, it shall not be unlawful for a person less than 21 years old to consume unfortified wine or fortified wine during participation in an exempted activity under G.S. 18B-103(4), (8), or (11)."

PART XV. REQUIRING THAT CERTAIN DWI DEFENDANTS WHO ARE RELEASED FROM PRISON EARLY ARE TO BE ASSIGNED COMMUNITY SERVICE PAROLE OR HOUSE ARREST

SECTION 27. G.S. 15A-1374 reads as rewritten:

"§ 15A-1374. Conditions of parole.

(a) In General. – The Post-Release Supervision and Parole Commission may in its discretion impose conditions of parole it believes reasonably necessary to insure that the parolee will lead a law-abiding life or to assist him to do so. The Commission must provide as an express condition of every parole that the parolee not commit another crime during the period for which the parole remains subject to revocation. When the Commission releases a person on parole, it must give him a written statement of the conditions on which he is being released.

(a1) Required Conditions for Certain Offenders. – A person serving a term of imprisonment for an impaired driving offense sentenced pursuant to G.S. 20-179 that:

- (1) Has completed any recommended treatment or training program required by G.S. 20-179(p)(3); and
- (2) Is not being paroled to a residential treatment program;

shall, as a condition of parole, receive community service parole pursuant to G.S. 15A-1371(h), or be required to comply with subdivision (b)(8a) of this section.

(b) Appropriate Conditions. – As conditions of parole, the Commission may require that the parolee comply with one or more of the following conditions:

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- (1) Work faithfully at suitable employment or faithfully pursue a course of study or vocational training that will equip him for suitable employment.
- (2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.
- (3) Attend or reside in a facility providing rehabilitation, instruction, recreation, or residence for persons on parole.
- (4) Support his dependents and meet other family responsibilities.
- (5) Refrain from possessing a firearm, destructive device, or other dangerous weapon unless granted written permission by the Commission or the parole officer.
- (6) Report to a parole officer at reasonable times and in a reasonable manner, as directed by the Commission or the parole officer.
- (7) Permit the parole officer to visit him at reasonable times at his home or elsewhere.
- (8) Remain within the geographic limits fixed by the Commission unless granted written permission to leave by the Commission or the parole officer.
- (8a) Remain in one or more specified places for a specified period or periods each day and wear a device that permits the defendant's compliance with the condition to be monitored electronically.
- (9) Answer all reasonable inquiries by the parole officer and obtain prior approval from the parole officer for any change in address or employment.
- (10) Promptly notify the parole officer of any change in address or employment.
- (11) Submit at reasonable times to searches of his person by a parole officer for purposes reasonably related to his parole supervision. The Commission may not require as a condition of parole that the parolee submit to any other searches that would otherwise be unlawful. Whenever the search consists of testing for the presence of illegal drugs, the parolee may also be required to reimburse the Department of Correction for the actual cost of drug testing and drug screening, if the results are positive.
- (11a) Make restitution or reparation to an aggrieved party as provided in G.S. 148-57.1.
- (11b) Comply with an order from a court of competent jurisdiction regarding the payment of an obligation of the parolee in connection with any judgment rendered by the court.
- (11c) In the case of a parolee who was attending a basic skills program during incarceration, continue attending a basic

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skills program in pursuit of a General Education Development Degree or adult high school diploma.

- (12) Satisfy other conditions reasonably related to his rehabilitation.

(c) Supervision Fee. – The Commission must require as a condition of parole that the parolee pay a supervision fee of thirty dollars (\$30.00) per month. The Commission may exempt a parolee from this condition of parole only if it finds that requiring him to pay the fee will constitute an undue economic burden. The fee must be paid to the clerk of superior court of the county in which the parolee was convicted. The clerk must transmit any money collected pursuant to this subsection to the State to be deposited in the general fund of the State. In no event shall a person released on parole be required to pay more than one supervision fee per month."

PART XVI. PREVENT NONCOMPLIANT PERMIT HOLDERS FROM CONTINUING IRRESPONSIBLE ALCOHOL SERVICE PRACTICES BY SWITCHING PERMITS TO ANOTHER NAME

SECTION 28. G.S. 18B-1003(c) reads as rewritten:

"(c) Certain Employees Prohibited. – A permittee shall not knowingly employ in the sale or distribution of alcoholic beverages any person who has been:

- (1) Convicted of a felony within three years;
- (2) Convicted of a felony more than three years previously and has not had his citizenship restored;
- (3) Convicted of an alcoholic beverage offense within two years; or
- (4) Convicted of a misdemeanor controlled substances offense within two years.
- (5) A past permit holder under Chapter 18B of the General Statutes whose permit had been revoked within the last 18 months and who had been the permit holder at the location where the person would be employed.

For purposes of this subsection, "conviction" has the same meaning as in G.S. 18B-900(b). To avoid undue hardship, the Commission may, in its discretion, exempt persons on a case-by-case basis from this subsection."

part XVii. dwi training for judges**SECTION 29.** The North Carolina General Assembly requests that the Chief Justice of the North Carolina Supreme Court encourage the judges of this State to obtain continuing legal education on the laws of this State relating to driving while impaired offenses and related issues, and to promulgate any rules necessary to ensure that the judiciary receives necessary training and education on these laws.

PART XVIII. REQUIRE A DA SIGNATURE BEFORE A MOTION FOR APPROPRIATE RELIEF IS GRANTED IN DISTRICT COURT

SECTION 30. G.S. 15A-1420(a) reads as rewritten:

- "(a) Form, Service, Filing.
- (1) A motion for appropriate relief must:
 - a. Be made in writing unless it is made:

1. In open court;
 2. Before the judge who presided at trial;
 3. Before the end of the session if made in superior court; and
 4. Within 10 days after entry of judgment;
- b. State the grounds for the motion;
 - c. Set forth the relief sought; and
 - d. Be timely filed.
- (2) A written motion for appropriate relief must be served in the manner provided in G.S. 15A-951(b). When the written motion is made more than 10 days after entry of judgment, service of the motion and a notice of hearing must be made not less than five working days prior to the date of the hearing. When a motion for appropriate relief is permitted to be made orally the court must determine whether the matter may be heard immediately or at a later time. If the opposing party, or his counsel if he is represented, is not present, the court must provide for the giving of adequate notice of the motion and the date of hearing to the opposing party, or his counsel if he is represented by counsel.
- (3) A written motion for appropriate relief must be filed in the manner provided in G.S. 15A-951(c).
- (4) An oral or written motion for appropriate relief may not be granted in district court without the signature of the district attorney, indicating that the State has had an opportunity to consent or object to the motion. However, the court may grant a motion for appropriate relief without the district attorney's signature 10 business days after the district attorney has been notified in open court of the motion, or served with the motion pursuant to G.S. 15A-951(c).

..."

PART XIX. SEIZURE AND FORFEITURE OF VEHICLE

SECTION 31. G.S. 20-28.2 reads as rewritten:

"§ 20-28.2. Forfeiture of motor vehicle for impaired driving after impaired driving license revocation.

(a) Meaning of "Impaired Driving License Revocation". – The revocation of a person's drivers license is an impaired driving license revocation if the revocation is pursuant to:

- (1) G.S. 20-13.2, 20-16(a)(8b), 20-16.2, 20-16.5, 20-17(a)(2), 20-17(a)(12), 20-17.2, or 20-138.5; or
- (2) G.S. 20-16(a)(7), 20-17(a)(1), 20-17(a)(3), 20-17(a)(9), or 20-17(a)(11), if the offense involves impaired driving; or
- (3) The laws of another state and the offense for which the person's license is revoked prohibits substantially similar

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conduct which if committed in this State would result in a revocation listed in subdivisions (1) or (2).

(a1) Definitions. – As used in this section and in G.S. 20-28.3, 20-28.4, 20-28.5, 20-28.7, 20-28.8, and 20-28.9, the following terms mean:

- (1) Acknowledgment. – A written document acknowledging that:
 - a. The motor vehicle was operated by a person charged with an offense involving impaired ~~driving~~ driving, and:
 1. ~~while that~~ That person's drivers license was revoked as a result of a prior impaired drivers license revocation; or
 2. That person did not have a valid drivers license, and did not have liability insurance.
 - b. If the motor vehicle is again operated by this particular person, and the person is charged with an offense involving impaired driving, then the vehicle is subject to impoundment and forfeiture if (i) at any time the offense occurs while that person's drivers license is revoked, or (ii) the offense occurs while the person has no valid drivers license, and has no liability insurance; and the person is charged with an offense involving impaired driving, the motor vehicle is subject to impoundment and forfeiture; and
 - c. A lack of knowledge or consent to the operation will not be a defense in the future, unless the motor vehicle owner has taken all reasonable precautions to prevent the use of the motor vehicle by this particular person and immediately reports, upon discovery, any unauthorized use to the appropriate law enforcement agency.
- (1a) Fair Market Value. – The value of the seized motor vehicle, as determined in accordance with the schedule of values adopted by the Commissioner pursuant to G.S. 105-187.3.
- (2) Innocent Owner. – A motor vehicle owner:
 - a. Who did not know and had no reason to know that (i) the defendant's drivers license was ~~revoked;~~ revoked, or (ii) that the defendant did not have a valid drivers license, and that the defendant had no liability insurance; or
 - b. Who knew that (i) the defendant's drivers license was revoked, or (ii) that the defendant had no valid drivers license, and that the defendant had

no liability insurance, but the defendant drove the vehicle without the person's expressed or implied permission, and the owner files a police report for unauthorized use of the motor vehicle and agrees to prosecute the unauthorized operator of the motor vehicle; or

- c. Whose vehicle was reported stolen; or
 - d. Repealed by Session Laws 1999-406, s. 17.
 - e. Who is in the business of renting vehicles, and the vehicle was driven by a person who is not listed as an authorized driver on the rental contract; or
 - f. Who is in the business of leasing motor vehicles, who holds legal title to the motor vehicle as a lessor at the time of seizure and who has no actual knowledge of the revocation of the lessee's drivers license at the time the lease is entered.
- (2a) Insurance Company. – Any insurance company that has coverage on or is otherwise liable for repairs or damages to the motor vehicle at the time of the seizure.
 - (2b) Insurance Proceeds. – Proceeds paid under an insurance policy for damage to a seized motor vehicle less any payments actually paid to valid lienholders and for towing and storage costs incurred for the motor vehicle after the time the motor vehicle became subject to seizure.
 - (3) Lienholder. – A person who holds a perfected security interest in a motor vehicle at the time of seizure.
 - (3a) Motor Vehicle Owner. – A person in whose name a registration card or certificate of title for a motor vehicle is issued at the time of seizure.
 - (4) Order of Forfeiture. – An order by the court which terminates the rights and ownership interest of a motor vehicle owner in a motor vehicle and any insurance proceeds or proceeds of sale in accordance with G.S. 20-28.2.
 - (5) Repealed by Session Laws 1998-182, s. 2.
 - (6) Registered Owner. – A person in whose name a registration card for a motor vehicle is issued at the time of seizure.
 - (7) Repealed by Session Laws 1998-182, s. 2.

(b) When Motor Vehicle Becomes Property Subject to Order of Forfeiture. Forfeiture; Impaired Driving and Prior Revocation. – A judge may determine whether the vehicle driven by an impaired driver at the time of the offense becomes subject to an order of forfeiture. The determination may be made at any of the following times:

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- (1) A hearing for the underlying offense involving impaired driving.
- (2) A separate hearing after conviction of the defendant.
- (3) A forfeiture hearing held at least 60 days after the defendant failed to appear at the scheduled trial for the underlying offense, and the defendant's order of arrest for failing to appear has not been set aside.

The vehicle shall become subject to an order of forfeiture if the greater weight of the evidence shows that the underlying offense involved impaired driving, and that the defendant's license was revoked pursuant to an impaired driving license revocation as defined in subsection (a) of this section.

~~If at a sentencing hearing for the underlying offense involving impaired driving, at a separate hearing after conviction of the defendant, or at a forfeiture hearing held at least 60 days after the defendant failed to appear at the scheduled trial for the underlying offense and the defendant's order of arrest for failing to appear has not been set aside, the judge determines by the greater weight of the evidence that the defendant is guilty of an offense involving impaired driving and that the defendant's license was revoked pursuant to an impaired driving license revocation as defined in subsection (a) of this section, the motor vehicle that was driven by the defendant at the time the defendant committed the offense becomes property subject to an order of forfeiture.~~

(b1) When a Motor Vehicle Becomes Property Subject to Order of Forfeiture; No License and No Insurance. – A judge may determine whether the vehicle driven by an impaired driver at the time of the offense becomes subject to an order of forfeiture. The determination may be made at any of the following times:

- (1) A hearing for the underlying offense involving impaired driving.
- (2) A separate hearing after conviction of the defendant.
- (3) A forfeiture hearing held at least 60 days after the defendant failed to appear at the scheduled trial for the underlying offense, and the defendant's order of arrest for failing to appear has not been set aside.

The vehicle shall become subject to an order of forfeiture if the greater weight of the evidence shows that the underlying offense involved impaired driving, and: (i) the defendant was driving without a valid drivers license, and (ii) the defendant was not covered by an automobile liability policy."

SECTION 32. G.S. 20-28.3(a) reads as rewritten:

"§ 20-28.3. Seizure, impoundment, forfeiture of motor vehicles for offenses involving impaired driving while license ~~revoked~~ revoked or without license and insurance.

(a) Motor Vehicles Subject to Seizure. – A motor vehicle that is driven by a person who is charged with an offense involving impaired driving is subject to seizure ~~if~~ if:

- (1) ~~at~~ At the time of the ~~violation~~ violation, the drivers license of the person driving the motor vehicle was

revoked as a result of a prior impaired driving license revocation as defined in ~~G.S. 20-28.2(a)~~; G.S. 20-28.2(a);
or

(2) At the time of the violation:

- a. The person was driving without a valid drivers license, and
- b. The driver was not covered by an automobile liability policy.

For the purposes of this subsection, a person who has a complete defense, pursuant to G.S. 20-35, to a charge of driving without a drivers license, shall be considered to have had a valid drivers license at the time of the violation."

PART XX. EFFECTIVE DATE

SECTION 33. Sections 20.1, 20.2, and the requirement that the Administrative Office of the Courts electronically record certain data contained in subsection (c) of G.S. 20-138.4, as amended by Section 19 of this act, become effective after the next rewrite of the superior court clerks system by the Administrative Office of the Courts. The remainder of this act becomes effective December 1, 2006, and applies to offenses committed on or after that date.

Upon motion of Senator Rand, the rules are suspended and the Conference Report, which changes the title, is placed on today's Calendar for adoption.

The Senate recesses at 4:41 P.M. to reconvene at 6:00 P.M. subject to receipt of messages from the House of Representatives, committee reports, conference reports, appointment of conferees and ratification of bills.

RECESS

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 602** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, 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 602, A BILL TO BE ENTITLED

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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, House Committee Substitute Favorable 8/30/05, Fourth Edition Engrossed 8/30/05, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute Favorable 8/30/05, Fourth Edition Engrossed 8/30/05, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute and substitute the attached proposed Conference Committee Substitute S602-PCCS15443-RU-5.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 26, 2006.

Conferees for the Senate *Conferees for the House of Representatives*

S/Daniel G. Clodfelter, Chair S/Joe Hackney
S/Charlie Smith Dannelly
S/Tony Rand

The text of the attached Proposed Conference Committee Substitute, S602-PCCS15443-RU-5 is as follows:

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

The General Assembly of North Carolina enacts:

PART I. TECHNICAL CHANGES RECOMMENDED BY THE GENERAL STATUTES COMMISSION

SECTION 1.(a) G.S. 7A-775(a)(4) reads as rewritten:

"(4) Arranging for an annual audit, in accordance with ~~G.S. 143-6.1~~;G.S. 143-6.2:"

SECTION 1.(b) G.S. 143B-168.12(c) reads as rewritten:

"(c) The North Carolina Partnership shall require each local partnership to place in each of its contracts a statement that the contract is subject to monitoring by the local partnership and North Carolina Partnership, that contractors and subcontractors shall be fidelity bonded, unless the contractors or subcontractors receive less than one hundred thousand dollars (\$100,000) or unless the contract is for child care subsidy services, that contractors and

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subcontractors are subject to audit oversight by the State Auditor, and that contractors and subcontractors shall be audited as required by ~~G.S. 143-6.1~~G.S. 143-6.2. Organizations subject to G.S. 159-34 shall be exempt from this requirement."

SECTION 1.(c) If House Bill 914, 2005 Regular Session, becomes law, this section is repealed.

SECTION 2. G.S. 14-226(b) reads as rewritten:

"(b) A defendant in a criminal proceeding who threatens a witness in the defendant's case with the assertion or denial of parental rights shall be ~~a~~in violation of this section."

SECTION 3.(a) G.S. 14-309.15(a) reads as rewritten:

"(a) It is lawful for any nonprofit organization or association, recognized by the Department of Revenue as tax-exempt pursuant to G.S. 105-130.11(a), and for any government entity within the State, to conduct raffles in accordance with this section. Any person who conducts a raffle in violation of any provision of this section shall be guilty of a Class 2 misdemeanor. Upon conviction that person shall not conduct a raffle for a period of one year. It is lawful to participate in a raffle conducted pursuant to this section. It shall not constitute a violation of State law to advertise a raffle conducted in accordance with this section. A raffle conducted pursuant to this section is not "gambling"."

SECTION 3.(b) Section 2 of Chapter 219 of the 1993 Session Laws is repealed.

SECTION 4. The introductory language for Section 1 of S.L. 2006-39 reads as rewritten:

"**SECTION 1.** ~~G.S. 14-404(a)(1)~~G.S. 14-404(a) reads as rewritten:"

SECTION 5. G.S. 14-407.1 reads as rewritten:

"§ 14-407.1. Sale of blank cartridge pistols.

The provisions of ~~G.S. 14-402 and 14-405 to 14-407~~ G.S. 14-402, 14-405, and 14-406 shall apply to the sale of pistols suitable for firing blank cartridges. The ~~clerks of the superior courts~~ sheriffs of all the counties of this State are authorized and may in their discretion issue to any person, firm or corporation, in any such county, a license or permit to purchase or receive any pistol suitable for firing blank cartridges from any person, firm or corporation offering to sell or dispose of the same, which said permit shall be in substantially the following form:

North Carolina

_____ County

I, _____, ~~Clerk of the Superior Court~~ sheriff of said county, do hereby certify that _____, whose place of residence is _____ Street in _____ (or) in _____ Township in _____ County, North Carolina, having this day satisfied me that the possession of a pistol suitable for firing blank cartridges will be used only for lawful purposes, a permit is therefore given said _____ to purchase said pistol from any person, firm or corporation authorized to dispose of the same, this _____ day of _____, _____.

~~Clerk of Superior Court~~ Sheriff

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The ~~clerk~~ ~~sheriff~~ shall charge for ~~his~~ ~~the sheriff's~~ services, upon issuing such permit, a fee of fifty cents (50¢)."

SECTION 6. G.S. 20-158(b)(2) reads as rewritten:

- "(2) ~~Approaching with traffic signal traffic signal the approaching~~
- a. When a ~~steady or strobe beam stoplight steady-beam traffic signal~~ is emitting a red light controlling traffic ~~passing through approaching~~ an intersection, an approaching vehicle facing the red light shall come to a stop and shall not enter the intersection. After coming to a complete stop and unless prohibited by an appropriate sign, that approaching vehicle may make a right turn.
 - b. Any vehicle that turns right under this subdivision shall yield the right-of-way to:
 1. Other traffic and pedestrians using the intersection; and
 2. Pedestrians who are moving towards the intersection, who are in reasonably close proximity to the intersection, and who are preparing to cross in front of the traffic that is required to stop at the red light.
 - c. Failure to yield to a pedestrian under this subdivision shall be an infraction, and the court may assess a penalty of not more than five hundred dollars (\$500.00) and not less than one hundred dollars (\$100.00).
 - d. The Department of Transportation shall collect data regarding the number of individuals who are found responsible for violations of sub-subdivision b. of this subdivision and the number of pedestrians who are involved in accidents at intersections because of a driver's failure to yield the right-of-way while turning right at a red light. The data shall include information regarding the number of disabled pedestrians, including individuals with visual or mobility-related disabilities, who are involved in right turn on red accidents. The Department shall report the data annually to the Joint Legislative Transportation Oversight Committee beginning January 1, 2006."

SECTION 7. G.S. 58-31-66(b) reads as rewritten:

- "(b) (1) Repealed by Session Laws 2004-203, s. 74(b), effective October 1, 2004.

(2) ~~because~~".

SECTION 8. G.S. 66-58(b)(13a) is repealed.

SECTION 9. G.S. 95-265(a)(2)b. reads as rewritten:

- "b. The complainant certified to the court that there is good cause to grant the remedy because the harm that the remedy is intended to prevent would ~~like~~-likely occur if the respondent were given any prior notice of the complainant's efforts to obtain judicial relief."

SECTION 10. G.S. 120-231(b) reads as rewritten:

"(b) The Committee may consult with the State Chief Information Officer on statewide technology strategies and initiatives and review all legislative proposals and other recommendations of the State Chief Information Officer.

~~Office of Information Technology Services~~".

SECTION 11. G.S. 126-5(e) reads as rewritten:

"(e) An exempt employee may be transferred, demoted, or separated from his or her position by the department head authorized to designate the exempt position except:

- (1) When an employee who has the minimum service requirements described in ~~subsection (e)(1) above~~ G.S. 126-1.1 but less than 10 years of cumulative service in subject positions prior to placement in an exempt position is removed from an exempt position, for reasons other than just cause, the employee shall have priority to any position that becomes available for which the employee is qualified, according to rules and regulations regulating and defining priority as promulgated by the State Personnel Commission; or
- (2) When an employee who has 10 years or more cumulative service, including the immediately preceding 12 months, in subject positions prior to placement in an exempt position is removed from an exempt position, for reasons other than just cause, the employee shall be reassigned to a subject position within the same department or agency, or if necessary within another agency, and within a 35 mile radius of the exempt position, at the same grade and salary, including all across-the-board increases since placement in the position designated as exempt, as his most recent subject position."

SECTION 12. G.S. 126-14.4(g) reads as rewritten:

"(g) A career State employee with:

- (1) Less than 10 years of service who was placed in an exempt managerial position, as defined by G.S. 126-5(b)(2), shall be given priority consideration for a position at the same salary grade equal to that held in the most

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recent position ~~prior to the promotion~~ before being placed in the exempt managerial position if he or she has to vacate because of violation of G.S. 126-14.2.

- (2) 10 or more years of service who was placed in an exempt managerial position, as defined by G.S. 126-5(b)(2), shall be placed in a comparable position at the same grade and salary equal to that held in the most recent position ~~prior to the promotion~~ before being placed in the exempt managerial position if he or she had to vacate because of violation of G.S. 126-14.2."

SECTION 13. G.S. 126-15.1 reads as rewritten:

"§ 126-15.1. Probationary State employee defined.

As used in this Article, "probationary State employee" means a State employee who is exempt from the Personnel Act only because he has not been continuously employed by the State for the period required by ~~G.S. 126-5(e)~~ G.S. 126-1.1."

SECTION 14. G.S. 135-4A is recodified as G.S. 135-4.1.

SECTION 15. G.S. 143B-405 reads as rewritten:

"§ 143B-405. North Carolina State Commission of Indian Affairs – purposes for creation.

~~The purposes of the Commission shall be~~ The purposes of the Commission shall be as follows:

- (1) To deal fairly and effectively with Indian affairs.
- (2) To bring local, State, and federal resources into focus for the implementation or continuation of meaningful programs for Indian citizens of the State of North Carolina.
- (3) To provide aid and protection for Indians as needs are demonstrated; to prevent undue hardships.
- (4) To hold land in trust for the benefit of State-recognized Indian tribes. This subdivision shall not apply to federally recognized Indian tribes.
- (5) To assist Indian communities in social and economic development.
- (6) To promote recognition of and the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to Native Americans."

SECTION 16. G.S. 153A-129 reads as rewritten:

"§ 153A-129. Firearms.

A county may by ordinance regulate, restrict, or prohibit the discharge of firearms at any time or place except when used to take birds or animals pursuant to Chapter 113, Subchapter ~~III, IV~~, when used in defense of person or property, or when used pursuant to lawful directions of law-enforcement officers. A county may also regulate the display of firearms on the public roads, sidewalks, alleys, or other public property. This section does not limit a county's authority to take action under Chapter 14, Article 36A."

SECTION 17.(a) G.S. 160A-37(f1) reads as rewritten:

"(f1) Property Subject to Present-Use Value Appraisal. – If an area described in an annexation ordinance includes agricultural land, horticultural land, or forestland that meets either of the conditions listed below on the effective date of annexation, then the annexation becomes effective as to that property pursuant to subsection (f2) of this section:

- (1) ~~Land that~~ The land is being taxed at present-use value pursuant to G.S. 105-277.4.
- (2) ~~Land that~~ The land meets both of the following conditions:
 - a. On the date of the resolution of intent for annexation it was being used for actual production and is eligible for present-use value taxation under G.S. 105-277.4, but the land ~~has~~ had not been in use for actual production for the required time under G.S. 105-277.3.
 - b. The assessor for the county where the land subject to annexation is located has certified to the city that the land meets the requirements of this subdivision."

SECTION 17.(b) G.S. 160A-37(f2) reads as rewritten:

"(f2) Effective Date of Annexation for Certain Property. – Annexation of property subject to annexation under subsection (f1) of this section becomes effective as provided in this ~~subsection-subsection~~ subsection:

- (1) Upon the effective date of the annexation ordinance, the property is considered part of the city only (i) for the purpose of establishing city boundaries for additional annexations pursuant to this Article and (ii) for the exercise of city authority pursuant to Article 19 of this Chapter.
- (2) For all other purposes, the annexation becomes effective as to each tract of the property or part thereof on the last day of the month in which that tract or part thereof becomes ineligible for classification pursuant to G.S. 105-277.4 or no longer meets the requirements of subdivision (f1)(2) of this section. Until annexation of a tract or a part of a tract becomes effective pursuant to this subdivision, the tract or part of a tract is not subject to taxation by the city under Article 12 of Chapter 105 of the General Statutes nor is the tract or part of a tract entitled to services provided by the city."

SECTION 17.(c) G.S. 160A-37(h) reads as rewritten:

"(h) Remedies for Failure to Provide Services. – If, not earlier than one year from the effective date of annexation, and not later than 15 months from the effective date of annexation, any person owning property in the annexed territory shall believe that the municipality has not followed through on its service plans adopted under the provisions of G.S. 160A-35(3) and ~~160A-37(e)~~, ~~such~~ subsection (e) of this section, the person may apply for a writ of mandamus

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under the provisions of Article 40, Chapter 1 of the General Statutes. Relief may be granted by the judge of superior court

- (1) If the municipality has not provided the services set forth in its plan submitted under the provisions of G.S. 160A-35(3)a on substantially the same basis and in the same manner as such services were provided within the rest of the municipality prior to the effective date of annexation, and
- (2) If at the time the writ is sought such services set forth in the plan submitted under the provisions of G.S. 160A-35(3)a are still being provided on substantially the same basis and in the same manner as on the date of annexation of the municipality.

Relief may also be granted by the judge of superior court

- (1) If the plans submitted under the provisions of ~~G.S. 160A-35(3)e~~ G.S. 160A-35(3)b. require the construction of major trunk water mains and sewer outfall lines and
- (2) If contracts for such construction have not yet been let.

If a writ is issued, costs in the action, including a reasonable attorney's fee for such aggrieved person, shall be charged to the municipality."

SECTION 18.(a) G.S. 160A-49(f2) reads as rewritten:

"(f2) Effective Date of Annexation for Certain Property. – Annexation of property subject to annexation under subsection (f1) of this section shall become effective:

- (1) Upon the effective date of the annexation ordinance, the property is considered part of the city only (i) for the purpose of establishing city boundaries for additional annexations pursuant to this Article and (ii) for the exercise of city authority pursuant to Article 19 of this Chapter.
- (2) For all other purposes, the annexation becomes effective as to each tract of such property or part thereof on the last day of the month in which that tract or part thereof becomes ineligible for classification pursuant to ~~G.S. 105-227.4~~ G.S. 105-277.4 or no longer meets the requirements of subdivision (f1)(2) of this section. Until annexation of a tract or a part of a tract becomes effective pursuant to this subdivision, the tract or part of a tract is not subject to taxation by the city under Article 12 of Chapter 105 of the General Statutes nor is the tract or part of a tract entitled to services provided by the city."

SECTION 18.(b) If House Bill 1963, 2005 Regular Session, becomes law, this section is repealed.

SECTION 19. G.S. 160A-215(g), as amended by S.L. 2005-16, S.L. 2005-46, S.L. 2005-49, S.L. 2005-220, and S.L. 2005-233, reads as rewritten:

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"(g) This section applies only to Beech Mountain District W, to the Cities of Gastonia, Goldsboro, Greensboro, High Point, Kings Mountain, Lexington, Lincolnton, Lumberton, Monroe, Mount Airy, Shelby, Statesville, Washington, and Wilmington, to the Towns of Beech Mountain, Blowing Rock, Carolina Beach, Carrboro, Franklin, Jonesville, Kure Beach, ~~Jonesville~~, Mooresville, North Topsail Beach, Selma, Smithfield, St. Pauls, Wilkesboro, and Wrightsville Beach, and to the municipalities in Avery and Brunswick Counties."

SECTION 20. G.S. 163-128(a) reads as rewritten:

"(a) Each county shall be divided into a convenient number of precincts for the purpose of voting. Upon a resolution adopted by the county board of elections and approved by the ~~Secretary-Director~~ Executive Director of the State Board of Elections voters from a given precinct may be temporarily transferred, for the purpose of voting, to an adjacent precinct. Any such transfers shall be for the period of time equal only to the term of office of the county board of elections making such transfer. When such a resolution has been adopted by the county board of elections to assign voters from more than one precinct to the same precinct, then the county board of elections shall maintain separate registration and voting records, consistent with the procedure prescribed by the State Board of Elections, so as to properly identify the precinct in which such voters reside. The polling place for a precinct shall be located within the precinct or on a lot or tract adjoining the precinct.

Except as provided by Article 12A of this Chapter, the county board of elections shall have power from time to time, by resolution, to establish, alter, discontinue, or create such new election precincts or voting places as it may deem expedient. Upon adoption of a resolution establishing, altering, discontinuing, or creating a precinct or voting place, the board shall give 45 days' notice thereof prior to the next primary or election. Notice shall be given by advertisement in a newspaper having general circulation in the county, by posting a copy of the resolution at the courthouse door and at the office of the county board of elections, and by mailing a copy of the resolution to the chairman of every political party in the county. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. No later than 30 days prior to the primary or election, the county board of elections shall mail a notice of precinct change to each registered voter who as a result of the change will be assigned to a different voting place."

SECTION 21. G.S. 163-296 reads as rewritten:

"§ 163-296. Nomination by petition.

In cities conducting partisan elections, any qualified voter who seeks to have his name printed on the regular municipal election ballot as an unaffiliated candidate may do so in the manner provided in G.S. 163-122, except that the petitions and affidavits shall be filed not later than 12:00 noon on the Friday preceding the seventh Saturday before the election, and the petitions shall be signed by a number of qualified voters of the municipality equal to at least four percent (4%) of the whole number of voters qualified to vote in the municipal

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election according to the voter registration records of the State Board of Elections as of January 1 of the year in which the general municipal election is held. A person whose name appeared on the ballot in a primary election is not eligible to have his name placed on the regular municipal election ballot as an unaffiliated candidate for the same office in that year. The Board of Elections shall examine and verify the signatures on the petition, and shall certify only the names of signers who are found to be qualified registered voters in the municipality. Provided that in the case where a qualified voter seeks to have his name printed on the regular municipal election ballot as an unaffiliated candidate for election from an election district within the municipality, the petition shall be signed by four percent (4%) of the voters qualified to vote for that office."

SECTION 22.(a) Section 18.2(e) of S.L. 2004-124 reads as rewritten:

"**SECTION 18.2.(e).** ~~The~~ With the exception of G.S. 143-655, the word "Commission" shall be replaced with "Division" every place that word appears in Article 68 of Chapter 143 of the General Statutes."

SECTION 22.(b) G.S. 143-655 reads as rewritten:

"§ 143-655. **Fees; State Boxing ~~Commission~~ Revenue Account.**

(a) License Fees. – The ~~Commission~~ Division shall collect the following license fees:

Announcer	\$50.00
Contestant	\$25.00
Judge	\$50.00
Manager	\$100.00
Matchmaker	\$200.00
Promoter	\$300.00
Referee	\$50.00
Timekeeper	\$50.00
Second	\$25.00.

The annual license renewal fees shall not exceed the initial license fees.

(b) Permit Fees. – The ~~Commission~~ Division may establish a fee schedule for permits issued under this Article. The fees may vary depending on the seating capacity of the facility to be used to present a match. The fee may not exceed the following amounts:

Seating Capacity	Fee Amount
Less than 2,000	\$100.00
2,000 – 5,000	\$200.00
Over 5,000	\$300.00.

(c) State Boxing ~~Commission~~ Revenue Account. – There is created the State Boxing ~~Commission~~ Revenue Account within the Department of Crime Control and Public Safety. Monies [moneys] collected pursuant to the provisions of this Article shall be credited to the Account and applied to the administration of the Article."

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SECTION 22.(c) G.S. 143-651(23b) reads as rewritten:

"(23b) Sanctioned amateur match. – Any boxing or kickboxing match regulated by an amateur sports organization that has been recognized and approved by the Division.
~~North Carolina Boxing Commission."~~

SECTION 23. The introductory language of Section 15 of S.L. 2004-127 reads as rewritten:

"~~**SECTION 15. G.S. 163-278(9)**~~G.S. 163-278.6(9) reads as rewritten:".

SECTION 24. The introductory language of Section 27(e) of S.L. 2004-199 reads as rewritten:

"~~**SECTION 27.(e) G.S. 106-577**~~G.S. 106-557 reads as rewritten:".

SECTION 25. Section 44 of S.L. 2004-203 is repealed.

SECTION 26. Section 68 of S.L. 2004-203 is repealed.

SECTION 27. The introductory language of Section 1 of S.L. 2005-5 reads as rewritten:

"**SECTION 1.** Section 6 of Chapter 1191 of the 1957 Session Laws, as amended by Section 2 of Chapter 292 of the 1985 Session Laws, reads as rewritten:".

PART II. OTHER CHANGES

SECTION 29.(a) G.S. 7A-177(a) reads as rewritten:

"(a) Within six months of taking the oath of office as a magistrate for the first time, a magistrate is required to attend and satisfactorily complete a course of basic training of at least 40 hours in the civil and criminal duties of a magistrate. The Administrative Office of the Courts is authorized to contract with the ~~Institute of Government~~ School of Government at the University of North Carolina at Chapel Hill or with any other qualified educational organization to conduct this training, and to reimburse magistrates for travel and subsistence expenses incurred in taking such training."

SECTION 29.(b) G.S. 7A-413(a)(4) reads as rewritten:

"(a) The Conference may:

...

(4) Cooperate with the Administrative Office of the Courts and the ~~Institute of Government~~ School of Government at the University of North Carolina at Chapel Hill concerning education and training programs for prosecutors and staff."

SECTION 29.(c) G.S. 17C-3(a)(5) reads as rewritten:

"(a) There is established the North Carolina Criminal Justice Education and Training Standards Commission, hereinafter called "the Commission." The Commission shall be composed of 33 members as follows:

...

(5) Citizens and Others. – The President of The University of North Carolina; the ~~Director of the Institute of Government~~; Dean of the School of Government at the University of North Carolina at Chapel Hill; and two

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citizens, one of whom shall be selected by the Governor and one of whom shall be selected by the Attorney General. The General Assembly shall appoint four persons, two upon the recommendation of the Speaker of the House of Representatives and two upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-122. Appointments by the General Assembly shall be for two-year terms to conclude on June 30th in odd-numbered years.

...."

SECTION 29.(d) G.S. 17C-3(b) reads as rewritten:

"(b) The members shall be appointed for staggered terms. The initial appointments shall be made prior to September 1, 1983, and the appointees shall hold office until July 1 of the year in which their respective terms expire and until their successors are appointed and qualified as provided hereafter:

For the terms of one year: one member from subdivision (1) of subsection (a) of this section, serving as a police chief; three members from subdivision (2) of subsection (a) of this section, one serving as a police official, and two criminal justice officers; one member from subdivision (4) of subsection (a) of this section, appointed by the North Carolina Law-Enforcement Training Officers' Association; and two members from subdivision (5) of subsection (a) of this section, one appointed by the Governor and one appointed by the Attorney General.

For the terms of two years: one member from subdivision (1) of subsection (a) of this section, serving as a police chief; one member from subdivision (2) of subsection (a) of this section, serving as a police official; and two members from subdivision (4) of subsection (a) of this section, one appointed by the League of Municipalities and one appointed by the North Carolina Association of District Attorneys.

For the terms of three years: two members from subdivision (1) of subsection (a) of this section, one police chief appointed by the North Carolina Association of Chiefs of Police and one police chief appointed by the Governor; one member from subdivision (2) of subsection (a) of this section, serving as a police official; and three members from subdivision (4) of subsection (a) of this section, one appointed by the North Carolina Law-Enforcement Women's Association, one appointed by the North Carolina Criminal Justice Association, and one appointed by the North State Law-Enforcement Officers' Association.

Thereafter, as the term of each member expires, his successor shall be appointed for a term of three years. Notwithstanding the appointments for a term of years, each member shall serve at the will of the appointing authority.

The Attorney General, the Secretary of Crime Control and Public Safety, the Secretary of Correction, the President of The University of North Carolina, the ~~Director of the Institute of Government, Dean of the School of Government at the University of North Carolina at Chapel Hill,~~ the President of the North Carolina Community Colleges System, and the Secretary of Juvenile Justice and

Delinquency Prevention shall be continuing members of the Commission during their tenure. These members of the Commission shall serve ex officio and shall perform their duties on the Commission in addition to the other duties of their offices. The ex officio members may elect to serve personally at any or all meetings of the Commission or may designate, in writing, one member of their respective office, department, university or agency to represent and vote for them on the Commission at all meetings the ex officio members are unable to attend.

Vacancies in the Commission occurring for any reason shall be filled, for the unexpired term, by the authority making the original appointment of the person causing the vacancy. A vacancy may be created by removal of a Commission member by majority vote of the Commission for misconduct, incompetence, or neglect of duty. A Commission member may be removed only pursuant to a hearing, after notice, at which the member subject to removal has an opportunity to be heard."

SECTION 29.(e) G.S. 17E-3(a)(4) reads as rewritten:

"(a) There is hereby established the North Carolina Sheriffs' Education and Training Standards Commission. The Commission shall be composed of 17 members as follows:

- ...
- (4) Others. – The President of the ~~Department of Community Colleges System~~ or ~~his~~ the President's designee and the ~~Director of the Institute of Government~~ Dean of the School of Government at the University of North Carolina at Chapel Hill or ~~his~~ the Dean's designee shall be ex officio, nonvoting members of the Commission."

SECTION 29.(f) G.S. 105-501 reads as rewritten:

"§ 105-501. Distribution of additional taxes.

The Secretary shall, on a monthly basis, allocate the net proceeds of the additional one-half percent (1/2%) sales and use taxes levied under this Article to the taxing counties on a per capita basis according to the most recent annual population estimates certified to the Secretary by the State Budget Officer. The Secretary shall then adjust the amount allocated to each county as provided in G.S. 105-486(b). The amount allocated to each taxing county shall then be divided among the county and the municipalities located in the county in accordance with the method by which the one percent (1%) sales and use taxes levied in that county pursuant to Article 39 of this Chapter or Chapter 1096 of the 1967 Session Laws are distributed. No municipality may receive any funds under this section if it was incorporated with an effective date of on or after January 1, 2000, and is disqualified from receiving funds under G.S. 136-41.2. No municipality may receive any funds under this section, incorporated with an effective date on or after January 1, 2000, unless a majority of the mileage of its streets are open to the public. The previous sentence becomes effective with respect to distribution of funds on or after July 1, 1999.

In determining the net proceeds of the tax to be distributed, the Secretary shall deduct from the collections to be allocated an amount equal to one-twelfth of the costs during the preceding fiscal year of:

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- (1) The Department of Revenue in performing the duties imposed by G.S. 105-275.2 and by Article 15 of this Chapter.
- (1a) Seventy percent (70%) of the expenses of the Department of Revenue in performing the duties imposed by Article 2D of this Chapter.
- (2) The Property Tax Commission.
- (3) ~~The Institute of Government~~ School of Government at the University of North Carolina at Chapel Hill in operating a training program in property tax appraisal and assessment.
- (4) The personnel and operations provided by the Department of State Treasurer for the Local Government Commission."

SECTION 29.(g) G.S. 113A-4(3) reads as rewritten:

"§ 113A-4. Cooperation of agencies; reports; availability of information.

The General Assembly authorizes and directs that, to the fullest extent possible:

- ...
- (3) The Governor, and any State agency charged with duties under this Article, may call upon any of the public institutions of higher education of this State for assistance in developing plans and procedures under this Article and in meeting the requirements of this Article, including without limitation any of the following units of the University of North Carolina: the Water Resources Research Institute, the Institute for Environmental Studies, the Triangle Universities Consortium on Air Pollution, and the ~~Institute of Government~~ School of Government at the University of North Carolina at Chapel Hill."

SECTION 29.(h) G.S. 115C-50 reads as rewritten:

"§ 115C-50. Training of board members.

All members of local boards of education shall receive a minimum of 12 clock hours of training annually. The training shall include but not be limited to public school law, public school finance, and duties and responsibilities of local boards of education. The training may be provided by the North Carolina School Boards Association, the ~~Institute of Government~~ School of Government at the University of North Carolina at Chapel Hill, or other qualified sources at the choice of the local board of education."

SECTION 29.(i) G.S. 120-129 reads as rewritten:

"§ 120-129. Definitions.

As used in this Article:

- (1) "Document" means all records, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material regardless of physical form or characteristics.

- (1a) "Legislative commission" means any commission or committee which the Legislative Services Commission is directed or authorized to staff by law or resolution and which it does, in fact, staff.
- (2) "Legislative employee" means employees and officers of the General Assembly, consultants and counsel to members and committees of either house of the General Assembly or of legislative commissions who are paid by State funds, and employees of the ~~Institute of Government~~; School of Government at the University of North Carolina at Chapel Hill; but does not mean legislators and members of the Council of State.
- (3) "Legislator" means a member-elect, member-designate, or member of the North Carolina Senate or House of Representatives."

SECTION 29.(j) G.S. 120-161 reads as rewritten:

"§ 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be provided by the Legislative Services Commission. The Commission may contract with the ~~Institute of Government~~, School of Government at the University of North Carolina at Chapel Hill, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission."

SECTION 29.(l) G.S. 143-64.24, as amended by Section 2.1 of S.L. 2006-95, reads as rewritten:

"§ 143-64.24. Applicability of Article.

This Article shall not apply to the following agencies:

- (1) The General Assembly.
- (2) Special study commissions.
- (3) The Research Triangle Institute.
- (4) ~~The Institute of Government.~~ The School of Government at the University of North Carolina at Chapel Hill.
- (5) Attorneys employed by the North Carolina Department of Justice.
- (6) Physicians or doctors performing contractual services for any State agency.
- (7) Independent Review Organizations selected by the Commissioner of Insurance pursuant to G.S. 58-50-85.
- (8) The University of North Carolina. The Board of Governors of the University of North Carolina must adopt policies and procedures governing contracts to obtain the services of a consultant by the constituent institutions of the University of North Carolina."

SECTION 29.(m) G.S. 143-151.9 reads as rewritten:

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"§ 143-151.9. North Carolina Code Officials Qualification Board established; members; terms; vacancies.

(a) There is hereby established the North Carolina Code Officials Qualification Board in the Department of Insurance. The Board shall be composed of 20 members appointed as follows:

- (1) One member who is a city or county manager;
- (2) Two members, one of whom is an elected official representing a city over 5,000 population and one of whom is an elected official representing a city under 5,000 population;
- (3) Two members, one of whom is an elected official representing a county over 40,000 population and one of whom is an elected official representing a county under 40,000 population;
- (4) Two members serving as building officials with the responsibility for administering building, plumbing, electrical and heating codes, one of whom serves a county and one of whom serves a city;
- (5) One member who is a registered architect;
- (6) One member who is a registered engineer;
- (7) Two members who are licensed general contractors, at least one of whom specializes in residential construction;
- (8) One member who is a licensed electrical contractor;
- (9) One member who is a licensed plumbing or heating contractor;
- (10) One member selected from the faculty of the North Carolina State University School of Engineering and one member selected from the faculty of the School of Engineering of the North Carolina Agricultural and Technical State University;
- (11) One member selected from the faculty of the ~~Institute of Government~~; School of Government at the University of North Carolina at Chapel Hill;
- (12) One member selected from the Community Colleges System Office;
- (13) One member selected from the Division of Engineering and Building Codes in the Department of Insurance; and,
- (14) One member who is a local government fire prevention inspector and one member who is a citizen of the State.

The various categories shall be appointed as follows: (1), (2), (3), and (14) by the Governor; (4), (5), and (6) by the General Assembly upon the recommendation of the President Pro Tempore in accordance with G.S. 120-121; (7), (8), and (9) by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; (10) by the deans of the respective schools of engineering of the named universities; (11) by the ~~Director of the Institute of Government~~; Dean of the School of

Government at the University of North Carolina at Chapel Hill; (12) by the President of the Community ~~College~~ Colleges System; and (13) by the Commissioner of Insurance."

SECTION 29.(n) G.S. 143B-350(m) reads as rewritten:

"(m) Ethics and Board Duties Education. – The Board shall institute by January 1, 1999, and conduct annually an education program on ethics and on the duties and responsibilities of Board members. The training session shall be comprehensive in nature and shall include input from the ~~Institute of Government~~, School of Government at the University of North Carolina at Chapel Hill, the North Carolina Board of Ethics, the Attorney General's Office, the University of North Carolina Highway Safety Research Center, and senior career employees of the various divisions of the Department. This program shall include an initial orientation for new members of the Board and continuing education programs for Board members at least once each year."

SECTION 29.(o) G.S. 143B-394.15(c)(4) reads as rewritten:

"(c) Membership. – The Commission shall consist of 39 members, who reflect the geographic and cultural regions of the State, as follows:

...

- (4) The following persons or their designees, ex officio:
- a. The Governor.
 - b. The Lieutenant Governor.
 - c. The Attorney General.
 - d. The Secretary of the Department of Administration.
 - e. The Secretary of the Department of Crime Control and Public Safety.
 - f. The Superintendent of Public Instruction.
 - g. The Secretary of the Department of Correction.
 - h. The Secretary of the Department of Health and Human Services.
 - i. The Director of the Office of State Personnel.
 - j. The Executive Director of the North Carolina Council for Women.
 - k. The ~~Director of the Institute of Government~~ Dean of the School of Government at the University of North Carolina at Chapel Hill.
 - l. The Chairman of the Governor's Crime Commission."

SECTION 29.(p) G.S. 147-54 reads as rewritten:

"§ 147-54. Printing, distribution and sale of the North Carolina Manual.

The Secretary of State shall have printed biennially for distribution and sale, two thousand three hundred fifty (2,350) copies of the North Carolina Manual, and shall make distribution to the State agencies, individuals, institutions and others as herein set forth.

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NORTH CAROLINA STATE GOVERNMENT:

Members of the General Assembly	1 ea.
Officers of the General Assembly	1 ea.
Offices of the Clerk of each House of the General Assembly	1 ea.
Legislative Services Officer	1
Legislative Library	6
Members of the Council of State	2 ea.
Appointed Secretaries of Executive Departments	2 ea.
Personnel of the Department of the Secretary of State	1 ea.
State Board of Elections	2
Divisions of Archives and History, Director	1
Search Room	3
Publications Section	2
State Library	10
Libraries within State Agencies	1 ea.
Justices of the North Carolina Supreme Court	1 ea.
Judges of the North Carolina Court of Appeals	1 ea.
Judges of the North Carolina Superior Court	1 ea.
Supreme Court Library	12
Court of Appeals Library	2
Clerk of the Supreme Court	1
Clerk of the Court of Appeals	1
Reporter of the Supreme Court and Court of Appeals	1
Administrative Office of the Courts	5

NORTH CAROLINA EDUCATIONAL INSTITUTIONS:

University of North Carolina System	
General Administration Offices	12
Chancellors of the Constituent Institutions	1 ea.
University of North Carolina – Chapel Hill Library	15
North Carolina State University Library	5
East Carolina University Library	5
North Carolina Central University Library	5
Appalachian State University Library	4
University of North Carolina – Charlotte Library	4
University of North Carolina – Greensboro Library	4
Western Carolina University Library	4
Other Constituent Institutions Libraries	3 ea.
North Carolina School of the Arts	2
Institute of Government	2
<u>University of North Carolina-Chapel Hill School of Government</u>	<u>2</u>
Community Colleges and Technical Institutes	2 ea.
Private Colleges and Universities	
Duke University Library	6
Wake Forest University	6
Campbell University Library	5
Davidson College Library	4

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All other Libraries of Senior and Junior Colleges	2 ea.
Public and Private Schools containing grades 8-12	1 ea.

COUNTY GOVERNMENT:

Clerks of Court	1 ea.
Registers of Deeds	1 ea.
Public Libraries of North Carolina	1 ea.

FEDERAL GOVERNMENT:

President of the United States	1
North Carolina Members of the Presidential Cabinet	1 ea.
North Carolina Members of the United States Congress	2 ea.
Library of Congress	3
Resident Judges of the Federal Judiciary and United States Attorneys in North Carolina	1 ea.
Secretaries of State of the United States and Territories	1 ea.

After making the above distribution, the remainder shall be sold at the cost of publication plus tax and postage and the proceeds from such sales deposited with the State Treasurer for use by the Publications Division of the Secretary of State's Office to defray the expense of publishing the North Carolina Manual. Libraries and educational institutions not covered in the above distribution shall be entitled to a twenty percent (20%) discount on the cost of any purchase(s)."

SECTION 30.(a) G.S. 9-10(b) reads as rewritten:

"(b) All summons served personally or by mail under this section or under G.S. 9-11 shall inform the prospective juror that persons ~~65-72~~ years of age or older are entitled to establish in writing exemption from jury service for good cause, shall contain a statement for claiming such exemption and stating the cause and a place for the prospective juror's signature, and shall state the mailing address of the clerk of superior court and the date by which such request for exemption must be received."

SECTION 30.(b) This section becomes effective October 1, 2005, and applies to persons summoned for jury service on or after that date.

SECTION 30.(c) If Senate Bill 1479, 2005 Regular Session, becomes law, this section is repealed.

SECTION 30.5. G.S. 8C-1, Rule 103(a), reads as rewritten:

"Rule 103. Rulings on evidence.

(a) Effect of erroneous ruling. – Error may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected, and

- (1) Objection. – In case the ruling is one admitting evidence, a timely objection or motion to strike appears of record. No particular form is required in order to preserve the right to assert the alleged error upon appeal if the motion or objection clearly presented the alleged error to the trial court;

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- (2) Offer of proof. – In case the ruling is one excluding evidence, the substance of the evidence was made known to the court by offer or was apparent from the context within which questions were asked. ~~Once the court makes a definitive ruling on the record admitting or excluding evidence, either at or before trial, a party need not renew an objection or offer of proof to preserve a claim of error for appeal.~~

Once the court makes a definitive ruling on the record admitting or excluding evidence, either at or before trial, a party need not renew an objection or offer of proof to preserve a claim of error for appeal."

SECTION 31. G.S. 14-269.2(h) reads as rewritten:

"(h) No person shall be guilty of a criminal violation of this section with regard to the possession or carrying of a ~~firearm~~ weapon so long as both of the following apply:

- (1) The person comes into possession of a weapon by taking or receiving the weapon from another person or by finding the weapon.
- (2) The person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities."

SECTION 33.(a) G.S. 15A-615(a) reads as rewritten:

"(a) After a finding of probable cause pursuant to the provisions of Article 30 of Chapter 15A of the General Statutes or indictment for an offense that involves nonconsensual vaginal, anal, or oral ~~intercourse, intercourse;~~ an offense that involves vaginal, anal, or oral intercourse with a child 12 years old or ~~less, less;~~ or an offense under G.S. 14-202.1 that involves vaginal, anal, or oral intercourse with a child less than 16 years ~~old, old;~~ the victim or the parent, guardian, or guardian ad litem of a minor victim may request that a defendant be tested for the following sexually transmitted infections:

- (1) Chlamydia;
- (2) Gonorrhea;
- (3) Hepatitis B;
- (3a) Herpes;
- (4) HIV; and
- (5) Syphilis.

In the case of herpes, the defendant, pursuant to the provisions of this section, shall be examined for oral and genital herpetic lesions and, if a suggestive but nondiagnostic lesion is present, a culture for herpes shall be performed."

SECTION 33.(b) If Senate Bill 1479, 2005 Regular Session, becomes law, this section is repealed.

SECTION 34. G.S. 15A-1371(b) reads as rewritten:

- "(b) (1), (2) Repealed by Session Laws 1993, c. 538, s. 22.
- (3) Whenever the Post-Release Supervision and Parole Commission will be considering for parole a prisoner serving a sentence of life imprisonment the Commission must notify, at least 30 days in advance of considering the parole, by first class mail at the last known address:

- a. The prisoner;
- b. The district attorney of the district where the prisoner was convicted;
- c. The head of the law enforcement agency that arrested the prisoner, ~~if the head of the agency has requested in writing that he be notified;~~ prisoner and the sheriff of the county where the crime occurred;
- d. Any of the victim's immediate family members who have requested in writing to be notified; and
- e. Repealed by Session Laws 1993, c. 538, s. 22.
- f. As many newspapers of general circulation and other media in the county where the defendant was convicted and if different, in the county where the prisoner was charged, as reasonable.

The Post-Release Supervision and Parole Commission must consider any information provided by any such parties before consideration of parole. The Commission must also give the district attorney, the head of the law enforcement agency who has requested in writing to be notified, the victim, any member of the victim's immediate family who has requested to be notified, and as many newspapers of general circulation and other media in the county or counties designated in sub-subdivision f. of this section as reasonable, written notice of its decision within 10 days of that decision. The Parole Commission shall not, however, include the name of any victim in its notification to the newspapers and other media."

SECTION 35. G.S. 18B-500(a) reads as rewritten:

"(a) Appointment. – The Secretary of Crime Control and Public Safety shall appoint alcohol law-enforcement agents and other enforcement personnel. The Secretary of Crime Control and Public Safety may also appoint regular employees of the Commission as alcohol law-enforcement agents. Alcohol law-enforcement agents shall be designated as "alcohol law-enforcement agents". Persons serving as reserve alcohol law-enforcement agents are considered employees of the Division of Alcohol Law Enforcement for workers' compensation purposes while performing duties assigned or approved by the Director of Alcohol Law Enforcement or the Director's designee."

SECTION 35.2. G.S. 20-7 reads as rewritten:

"§ 20-7. Issuance and renewal of drivers licenses.

...

(b1) Application. – To obtain an identification card, learners permit, or drivers license from the Division, a person shall complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, and, except for an identification

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card, demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. At least one of the forms of identification shall indicate the applicant's residence address. The Division may copy the identification presented or hold it for a brief period of time to verify its authenticity. To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required.

The application form shall request all of the following information, and it shall contain the disclosures concerning the request for an applicant's social security number required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- (1) The applicant's full name.
- (2) The applicant's mailing address and residence address.
- (3) A physical description of the applicant, including the applicant's sex, height, eye color, and hair color.
- (4) The applicant's date of birth.
- (5) The applicant's valid social security number.
- (6) The applicant's signature.

~~If an applicant does not have a valid social security number and is ineligible to obtain one, the applicant shall swear to or affirm that fact under penalty of perjury. In such case, the applicant may provide a valid Individual Taxpayer Identification Number issued by the Internal Revenue Service to that person.~~

The Division shall not issue an identification card, learners permit, or drivers license to an applicant who fails to provide ~~either the applicant's valid social security number or the applicant's valid Individual Taxpayer Identification Number number.~~

...

(f) Expiration and Temporary License. – The first drivers license the Division issues to a person expires on the person's fourth or subsequent birthday that occurs after the license is issued and on which the individual's age is evenly divisible by five, unless this subsection sets a different expiration date. A first drivers license may be issued for a shorter duration if the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration issued by the United States Department of ~~State.~~ Homeland Security. The first drivers license the Division issues to a person who is at least 17 years old but is less than 18 years old expires on the person's twentieth birthday. The first drivers license the Division issues to a person who is at least 62 years old expires on the person's birthday in the fifth year after the license is issued, whether or not the person's age on that birthday is evenly divisible by five.

A drivers license that was issued by the Division and is renewed by the Division expires five years after the expiration date of the license that is renewed unless the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration from the United States Department of ~~State.~~ Homeland Security, but in no event shall the license expire later than the applicant's lawful presence in the United States. A person

may apply to the Division to renew a license during the 180-day period before the license expires. The Division may not accept an application for renewal made before the 180-day period begins.

The Division may renew by mail a drivers license issued by the Division to a person who meets any of the following descriptions:

- (1) Is serving on active duty in the armed forces of the United States and is stationed outside this State.
- (2) Is a resident of this State and has been residing outside the State for at least 30 continuous days.

When renewing a license by mail, the Division may waive the examination that would otherwise be required for the renewal and may impose any conditions it finds advisable. A license renewed by mail is a temporary license that expires 60 days after the person to whom it is issued returns to this State.

...

(s) Notwithstanding the requirements of subsection (b1) of this section that an applicant present a valid social security number, the Division shall issue a drivers license of limited duration, under subsection (f) of this section, to an applicant present in the United States under a valid visa issued to the applicant by the United States Department of Homeland Security if the applicant presents that valid visa."

SECTION 35.3. G.S. 18B-1001(3) reads as rewritten:

- "(3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine permit authorizes the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, and the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises. It also authorizes the holder of the permit to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:
- a. Restaurants;
 - b. Hotels;
 - c. Eating establishments;
 - d. Private clubs;
 - e. Convention centers;
 - f. Cooking schools;
 - g. Community theatres;
 - h. ~~Wineries.~~ Wineries;
 - i. Wine producers."

SECTION 35.5. G.S. 20-85(b) reads as rewritten:

"(b) ~~The~~ Except as otherwise provided in subsection (a1) of this section, the fees collected under subdivisions (a)(1) through (a)(9) of this section

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shall be credited to the North Carolina Highway Trust Fund. The fees collected under subdivision (a)(10) of this section shall be credited to the Highway Fund. Fifteen dollars (\$15.00) of each title fee credited to the Trust Fund under subdivision (a)(1) shall be added to the amount allocated for secondary roads under G.S. 136-176 and used in accordance with G.S. 136-44.5."

SECTION 36.(a) G.S. 20-114.2, as enacted by Section 1 of S.L. 2004-108, reads as rewritten:

"§ 20-114.2. Law enforcement motorized all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.

Law enforcement officers enforcing the laws of the State may use motorized all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers may operate motorized all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 36.(b) G.S. 20-114.3, as enacted by Section 2 of S.L. 2004-108, reads as rewritten:

"§ 20-114.3. Law enforcement and municipal employee motorized all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.

Law enforcement officers enforcing the laws of the State and municipal employees may use motorized all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers and municipal employees may operate motorized all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 37. G.S. 20-118(c)(14) reads as rewritten:

"(c) Exceptions. – The following exceptions apply to G.S. 20-118(b) and 20-118(e).

...

- (14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:
- a. Is hauling aggregates from a distribution yard or a State-permitted production site located within a North Carolina county contiguous to the North Carolina State border to a destination in another state adjacent to that county as verified by a weight ticket in the driver's possession and available for inspection by enforcement personnel.
 - b. Does not operate on an interstate highway or posted bridge.

- c. Does not exceed 69,850 pounds gross vehicle weight and 53,850 pounds per axle grouping for tri-axle vehicles. For purposes of this subsection, a tri-axle vehicle is a single power unit vehicle with a three consecutive axle group on which the respective distance between any two consecutive axles of the group, measured longitudinally center to center to the nearest foot, does not exceed eight feet. For purposes of this subsection, the tolerance provisions of subsection (h) of this section do not apply, and vehicles must be licensed in accordance with G.S. 20-88.
- d. Repealed by Session Laws 2001-487, s. 10, effective December 16, 2001.

...."

SECTION 38. G.S. 20-309 is amended by adding a new subsection to read:

"(h) Notwithstanding the penalty and restoration fee provisions of this section, any monetary penalty or restoration fee shall be waived for any person who, at the time of notification of a lapse in coverage, was deployed as a member of the United States Armed Forces outside of the continental United States for a total of 45 or more days. In addition, no insurance points under the Safe Driver Incentive Plan shall be assessed for any violation for which a monetary penalty or restoration fee is waived pursuant to this subsection. Any person qualifying under this subsection shall:

- (1) Have an affirmative defense to any criminal charge based upon the failure to return any registration card or registration plate to the Division;
- (2) Upon reregistration, receive without cost from the Division all necessary registration cards or plates; and
- (3) Upon notice of revocation, be permitted to transfer the vehicle's registration immediately to his or her spouse, child, or spouse's child, notwithstanding the provisions of subsection (e) of this section."

SECTION 38.5. G.S. 44A-43(c)(2) reads as rewritten:

"(c) Public Sale. –

...

- (2) The sale must be held on a day other than Sunday and between the hours of ~~10:00 A.M.~~ 9:00 A.M. and 4:00 P.M.:
 - a. At the self-service storage facility or at the nearest suitable place to where the property is held or stored; or
 - b. In the county where the obligation secured by the lien was contracted for.

...."

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SECTION 39.(a) G.S. 32A-37(g), as enacted by Section 1 of S.L. 2005-178, reads as rewritten:

"(g) Nothing in this Article requires a person who accepts a power of attorney to permit an attorney-in-fact to conduct business not authorized by the terms of the power of ~~attorney-attorney~~, or otherwise not permitted by applicable statute or regulation."

SECTION 39.(b) This section becomes effective October 1, 2005, and applies to powers of attorney created before, on, or after that date.

SECTION 40.(a) G.S. 45-36.6(b), as enacted by Section 1 of S.L. 2005-123, reads as rewritten:

"(b) If a person records a satisfaction or affidavit of satisfaction of a security instrument in error or if a security instrument is satisfied of record erroneously by any other means, the person or the secured creditor may execute and record a document of rescission. The document of rescission must be duly acknowledged before an officer authorized to make acknowledgments. Upon recording, the document rescinds an erroneously recorded satisfaction or affidavit and the erroneous satisfaction of record of the security instrument and reinstates the security instrument."

SECTION 40.(b) G.S. 45-37(a), as amended by Section 1 of S.L. 2005-123, reads as rewritten:

"(a) Subject to the provisions of G.S. 45-36.9(a) and G.S. 45-73 relating to security instruments which secure future advances, any security instrument intended to secure the payment of money or the performance of any other obligation registered as required by law may be satisfied of record and thereby discharged and released of record in the following manner:

- (1) Security instruments satisfied of record prior to October 1, 2005, pursuant to this subdivision as it was in effect prior to October 1, 2005, shall be deemed satisfied of record, discharged, and released.

...

- (4) By presentation to the register of deeds of any original security instrument given to secure the bearer or holder of any negotiable instruments transferable by delivery, together with all the evidences of indebtedness secured thereby, marked paid and satisfied in full and signed by the bearer or holder thereof.

Only upon presentation of the original security instruments, and the originals of evidences of indebtedness properly marked shall the register of deeds record a record of satisfaction as described in G.S. 45-37.2(b), which record of satisfaction shall be valid and binding upon all persons, if no person rightfully entitled to the security instrument or evidences of indebtedness has previously notified the register of deeds by means of a written affidavit of the loss or theft of the security instrument or evidences of indebtedness and has caused

the register of deeds to record the affidavit of loss or theft as a separate document, as required by G.S. 161-14.1.

Upon receipt of an affidavit of loss or theft of the security instrument or evidences of indebtedness that identify the security instrument, the original parties to the security instrument, and the recording data for the security instrument, the register of deeds shall record a record of satisfaction, as described in G.S. 45 37.2(b). The security instrument shall not be presented for satisfaction after such recording of a record of satisfaction or marginal entry until the ownership of said instrument shall have been lawfully determined. Nothing in this subdivision (4) shall be construed to impair the negotiability of any instrument otherwise properly negotiable, nor to impair the rights of any innocent purchaser for value thereof.

- (5) Security instruments satisfied of record prior to October 1, 2005, pursuant to this subdivision as it was in effect prior to October 1, 2005, shall be deemed satisfied of record, discharged, and released.
- (6) Security instruments satisfied of record prior to October 1, 2005, pursuant to this subdivision as it was in effect prior to October 1, 2005, shall be deemed satisfied of record, discharged, and released.

...."

SECTION 40.(c) G.S. 47-14(a), as amended by Section 2 of S.L. 2005-123, reads as rewritten:

"(a) The register of deeds shall not accept for registration any instrument that requires proof or acknowledgement unless the execution of the instrument by one or more signers appears to have been proved or acknowledged before an officer with the apparent authority to take proofs or acknowledgements, and the said proof or acknowledgement includes the officer's signature, commission expiration date, and official seal, if required. The register of deeds shall accept an instrument for registration that does not require proof or acknowledgement if the instrument otherwise satisfies the requirements of G.S. 161-14. Any document previously recorded or any certified copy of any document previously recorded may be rerecorded, regardless of whether it is being rerecorded pursuant to G.S. 47-36.1. The register of deeds shall not be required to verify or make inquiry concerning (i) the legal sufficiency of any proof or acknowledgement, (ii) the authority of any officer who took a proof or acknowledgement, ~~or~~ (iii) the legal sufficiency of any document presented for ~~registration~~ registration, or (iv) whether the original document has been changed or altered."

SECTION 40.(d) This section becomes effective October 1, 2005.

SECTION 41. G.S. 50C-8(c) reads as rewritten:

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"(c) Any order may be extended one or more times, as required, provided that the requirements of G.S. 50C-6 or G.S. 50C-7, as appropriate, are satisfied. The court may renew an order, including an order that previously has been renewed, upon a motion by the complainant filed before the expiration of the current order. The court may renew the order for good cause. The commission of an act of unlawful conduct by the respondent after entry of the current order is not required for an order to be renewed. If the motion for extension is uncontested and the complainant seeks no modification of the order, the order may be extended if the complainant's motion or affidavit states that there has been no material change in relevant circumstances since entry of the order and states the reason for the requested extension. Extensions may be granted only in open court and not under the provisions of ~~G.S. 50D-6(e)~~-G.S. 50C-6(d)."

SECTION 44.(a) G.S. 55-8-03(b), as amended by Section 7 of S.L. 2005-268, reads as rewritten:

"(b) The number of directors may be increased or decreased from time to time by amendment to, or in the manner provided in, the articles of incorporation or the bylaws, but for a corporation to which G.S. 55-7-28(e) ~~applies~~, applies in which shares are entitled to be voted cumulatively, the number of directors shall not be decreased unless one of the following applies:

- (1) The decrease is approved by the shareholders in a vote in which the number of shares ~~voting-entitled to be voted cumulatively that vote~~ against the proposal for decrease would not be sufficient to elect a director by cumulative voting.
- (2) The decrease is made pursuant to a provision of the articles of incorporation or bylaws fixing a minimum and maximum number of directors and authorizing the number of directors to be fixed or changed from time to time, within the maximum and the minimum, by the shareholders or, unless the articles of incorporation or an agreement valid under G.S. 55-7-31 provides otherwise, the board of directors."

SECTION 44.(b) If Senate Bill 1479, 2005 Regular Session, becomes law, then G.S. 55-11-05(d), as enacted by Section 22 of S.L. 2005-268 and amended by Section 16(b) of Senate Bill 1479, 2005 Regular Session, reads as rewritten:

"(d) In the case of a merger pursuant to G.S. 55-11-07 or ~~G.S. 55-11-09, or a share exchange pursuant to G.S. 55-11-07~~, references in subsections (a) and (a1) of this section to "corporation" shall include a domestic corporation, a domestic nonprofit corporation, a foreign corporation, and a foreign nonprofit corporation as applicable."

SECTION 44.(c) G.S. 55-11-06(a)(1), as amended by Section 23 of S.L. 2005-268, reads as rewritten:

- (1) Each other merging corporation merges into the surviving corporation and the separate existence of each merging corporation except the surviving corporation ceases."

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SECTION 44.(d) G.S. 55A-11-04(d), as enacted by Section 40 of S.L. 2005-268, reads as rewritten:

"(d) In the case of a merger pursuant to G.S. 55A-11-06 or G.S. 55A-11-08, references in subsections (a) and ~~(b)(a1)~~ of this section to "~~corporation~~", ~~other than references to "domestic corporation"~~, "corporation" shall include a domestic corporation, a foreign nonprofit corporation, a domestic business corporation, and a foreign business ~~corporation~~, corporation as applicable."

SECTION 44.(e) G.S. 55A-11-05(a), as amended by Section 41 of S.L. 2005-268, reads as rewritten:

"(a) When a merger pursuant to G.S. 55A-11-01, 55A-11-06, or 55A-11-08 takes effect:

- (1) Each other merging corporation merges into the surviving corporation and the separate existence of each merging corporation except the surviving corporation ceases.
- (2) The title to all real estate and other property owned by each merging corporation is vested in the surviving corporation without reversion or impairment subject to any and all conditions to which the property was subject prior to the merger.
- (3) The surviving corporation has all liabilities and obligations of each merging corporation.
- (4) A proceeding pending by or against any merging corporation may be continued as if the merger did not occur or the surviving corporation may be substituted in the proceeding for a merging corporation whose separate existence ceases in the merger.
- (5) If a domestic corporation survives the merger, its articles of incorporation are amended to the extent provided in the articles of merger.
- (6) If a foreign corporation or a foreign business corporation survives the merger, it is deemed:
 - a. To agree that it may be served with process in this State in any proceeding for enforcement (i) of any obligation of any merging domestic corporation and (ii) of any obligation of the surviving foreign corporation or foreign business corporation arising from the merger.
 - b. To have appointed the Secretary of State as its agent for service of process in any proceeding for enforcement as specified in sub-subdivision a. of this subdivision. Service of process on the Secretary of State shall be made by delivering to, and leaving with, the Secretary of State, or with any clerk authorized by the Secretary of State to accept service of process, duplicate copies of the process and the fee required by G.S. 55A-1-22(b).

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Upon receipt of service of process on behalf of a surviving foreign corporation or foreign business corporation in the manner provided for in this section, the Secretary of State shall immediately mail a copy of the process by registered or certified mail, return receipt requested, to the surviving foreign corporation or foreign business corporation. If the surviving foreign corporation or foreign business corporation is authorized to transact business or conduct affairs in this State, the address for mailing shall be its principal office designated in the latest document filed with the Secretary of State that is authorized by law to designate the principal office, or if there is no principal office on file, its registered office. If the surviving foreign corporation or foreign business corporation is not authorized to transact business or conduct affairs in this State, the address for mailing shall be the mailing address designated pursuant to G.S. 55A-11-04(a)(2).

The merger shall not affect the liability or absence of liability of any member of a merging corporation for acts, omissions, or obligations of any merging corporation made or incurred prior to the effectiveness of the merger."

SECTION 44.(f) G.S. 55A-11-06(c), as enacted by Section 42 of S.L. 2005-268, reads as rewritten:

"(c) This section does not limit the power of a foreign corporation to acquire all or part of the ~~shares~~ memberships of one or more classes ~~or series~~ of a domestic nonprofit corporation through a voluntary exchange or otherwise."

SECTION 44.(g) G.S. 57C-9A-02(a2), as enacted by Section 47 of S.L. 2005-268, reads as rewritten:

"(a2) The provisions of the plan of conversion, other than the provisions required by subdivisions (1) and ~~(2)~~ (1a) of subsection (a) of this section, may be made dependent on facts objectively ascertainable outside the plan of conversion if the plan of conversion sets forth the manner in which the facts will operate upon the affected provisions. The facts may include any of the following:

- (1) Statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data.
- (2) A determination or action by the converting business entity or by any other person, group, or body.
- (3) The terms of, or actions taken under, an agreement to which the converting business entity is a party, or any other agreement or document."

SECTION 45.(a) G.S. 58-40-50, as amended by Section 7 of S.L. 2005-210, is amended by adding the following new subsection to read:

"(i) A statistical organization is considered an insurance company for purposes of the applicability of G.S. 58-6-7."

SECTION 45.(b) G.S. 58-36-4, as enacted by Section 18 of S.L. 2005-210, is amended by adding the following new subsection to read:

"(g) A statistical organization is considered an insurance company for purposes of the applicability of G.S. 58-6-7."

SECTION 45.(c) This section becomes effective October 1, 2006.

SECTION 45.5.(a) G.S. 62-212(c), as enacted by S.L. 2005-185, reads as rewritten:

"(c) Nothing contained in this section ~~effects~~affects a provision, clause, covenant, or agreement where the motor carrier indemnifies or holds harmless the contract's promisee against liability for damages to the extent that the damages were caused by and resulted from the negligence of the motor carrier, its agents, employees, servants, or independent contractors who are directly responsible to the motor carrier."

SECTION 45.5.(b) This section becomes effective October 1, 2005, and applies to contracts entered into on or after that date.

SECTION 46. G.S. 74C-3(b) reads as rewritten:

"(b) "Private protective services" shall not mean:

- ...
- (14) An employee of a security department of a private business that conducts investigations exclusively on matters internal to the business affairs of the ~~business~~business; or
- (15) Representatives of nonprofit organizations funded all or in part by business improvement districts who provide information and directions to local tourists and residents, engage in street cleaning and beautification services within the business improvement districts, and notify local law enforcement of any illegal activity observed by the representatives within the business improvement districts."

SECTION 47. G.S. 90-171.21(d)(3) reads as rewritten:

"(3) A public member appointed by the Governor shall not be a provider of health ~~services~~services or employed in the health services ~~field~~, or hold a vested interest at any level ~~in the provision of health services as defined by the North Carolina Board of Ethics.~~field. No public member appointed by the Governor or person in the public member's immediate family as defined by G.S. 90-405(8) shall be currently employed as a licensed nurse or been previously employed as a licensed nurse."

SECTION 50. The title to Article 12 of Chapter 95 of the General Statutes reads as rewritten:

"Article 12.

~~Public Employees Prohibited from Becoming Members of Trade Unions or Labor Unions.~~Units of Government and Labor Unions, Trade Unions, and Labor Organizations, and Public Employee Strikes."

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SECTION 52.(a) G.S. 95-232 reads as rewritten:

"§ 95-232. Procedural requirements for the administration of controlled substance examinations.

(a) An examiner who requests or requires an examinee to submit to a controlled substance examination shall comply with the procedural requirements set forth in this section.

(b) Collection of samples: the collection of samples for examination or screening shall be performed under reasonable and sanitary conditions. Individual dignity shall be preserved to the extent practicable. Samples shall be collected in a manner reasonably calculated to prevent substitution of samples and interference with the collection, examination, or screening of samples. Samples for prospective or current employees may be collected on-site or at an approved laboratory.

(c) ~~Approved laboratories: the examiner shall have the option of:~~

- ~~(1) Performing the screening test on site for prospective employees, provided that samples which demonstrate a positive drug test result are sent to an approved laboratory for confirmation, or~~
- ~~(2) Having an approved laboratory perform both the screening and confirmation tests as provided in this section.~~

Screening test of samples:

- (1) Prospective employees: a preliminary screening procedure that utilizes a single-use test device may be used for prospective employees.
- (2) Current employees: the screening test of samples for current employees shall only be performed by an approved laboratory.

(c1) Confirmation test of samples: if a preliminary screening procedure or other screening test produces a positive result, an approved laboratory shall confirm any sample that produces a positive that result by a second examination of the sample utilizing gas chromatography with mass spectrometry or an equivalent scientifically accepted method.

..."

SECTION 52.(b) This section constitutes a recent act of the General Assembly within the meaning of G.S. 150B-21.1(a). The Department of Labor shall adopt within 30 days of the effective date of this section temporary rules to clarify when employees who are subject to Article 20 of Chapter 95 of the General Statutes may utilize a preliminary screening procedure involving a single-use test device consistent with this section.

SECTION 53.(a) G.S. 113A-57 is amended by adding a new subdivision to read:

"(5) The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan."

SECTION 53.(b) If Senate Bill 1587, 2005 Regular Session, becomes law, this section is repealed.

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SECTION 54.(a) G.S. 115C-81(e1)(1) reads as rewritten:

"(e1) School Health Education Program to Be Developed and Administered.

- (1) A comprehensive school health education program shall be developed and taught to pupils of the public schools of this State from kindergarten through ninth grade. This program includes age-appropriate instruction in the following subject areas, regardless of whether this instruction is described as, or incorporated into a description of, "family life education", "family health education", "health education", "family living", "health", "healthful living curriculum", or "self-esteem":
- a. Mental and emotional health;
 - b. Drug and alcohol abuse prevention;
 - c. Nutrition;
 - d. Dental health;
 - e. Environmental health;
 - f. Family living;
 - g. Consumer health;
 - h. Disease control;
 - i. Growth and development;
 - j. First aid and emergency care, including the teaching of cardiopulmonary resuscitation (CPR) and the Heimlich maneuver by using hands-on training with mannequins so that students become proficient in order to pass a test approved by the American Heart Association, or American Red Cross;
 - k. Preventing sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS) virus infection, HIV/AIDS,~~ HIV/AIDS, and other communicable diseases;
 - l. Abstinence until marriage education; and
 - m. Bicycle safety.

As used in this subsection, "HIV/AIDS" means Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome."

SECTION 54.(b) G.S. 115C-81(e1)(3), (4), and (5) read as rewritten:

- "(3) The State Board of Education shall develop objectives for instruction in the prevention of sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS) virus infection, HIV/AIDS,~~ that includes ~~include~~ emphasis on the importance of parental involvement, abstinence from sex until marriage, and avoiding intravenous drug use. Any program developed under this subdivision shall present techniques and

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strategies to deal with peer pressure and to offer positive reinforcement and shall teach reasons, skills, and strategies for remaining or becoming abstinent from sexual activity; for appropriate grade levels and classes, shall teach that abstinence from sexual activity until marriage is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted ~~diseases,~~ diseases when transmitted through sexual contact, and other associated health and emotional problems, and that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding diseases transmitted by sexual contact, including ~~Acquired Immune Deficiency Syndrome (AIDS);~~ HIV/AIDS, shall teach how alcohol and drug use lower inhibitions, which may lead to risky sexual behavior, and shall teach the positive benefits of abstinence until marriage and the risks of premarital sexual activity. ~~Any instruction concerning the causes of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), in cases where homosexual acts are a significant means of transmission, shall include the current legal status of those acts.~~

- (4) The State Board of Education shall evaluate abstinence until marriage curricula and their learning materials and shall develop and maintain a recommended list of one or more approved abstinence until marriage curricula. The State Board may develop an abstinence until marriage program to include on the recommended list. The State Board of Education shall not select or develop a program for inclusion on the recommended list that does not include the positive benefits of abstinence until marriage and the risks of premarital sexual activity as the primary focus. The State Board shall include on the recommended list only programs that include, in appropriate grades and classes, instruction that:
- a. Teaches that abstinence from sexual activity outside of marriage is the expected standard for all school-age children;
 - b. Presents techniques and strategies to deal with peer pressure and offering positive reinforcement;
 - c. Presents reasons, skills, and strategies for remaining or becoming abstinent from sexual activity;
 - d. Teaches that abstinence from sexual activity is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted

- diseases when transmitted through sexual contact, including ~~Acquired Immune Deficiency Syndrome (AIDS)~~, HIV/AIDS, and other associated health and emotional problems;
- e. Teaches that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS)~~; HIV/AIDS;
- f. Teaches the positive benefits of abstinence until marriage and the risks of premarital sexual activity;
- g. Provides opportunities that allow for interaction between the parent or legal guardian and the student; and
- h. Provides factually accurate biological or pathological information that is related to the human reproductive system.
- (5) The State Board of Education shall make available to all local school administrative units for review by the parents and legal guardians of students enrolled at that unit any State-developed objectives for instruction, any approved textbooks, the list of reviewed materials, and any other State-developed or approved materials that pertain to or are intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS)~~, HIV/AIDS, to the avoidance of out-of-wedlock pregnancy, or to the abstinence until marriage curriculum. The review period shall extend for at least 60 days before use."

SECTION 54.(c) G.S. 115C-81(e1)(7) and (8) read as rewritten:

- "(7) Each school year, before students may participate in any portion of (i) a program that pertains to or is intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS)~~, HIV/AIDS, or to the avoidance of out-of-wedlock pregnancy, (ii) an abstinence until marriage program, or (iii) a comprehensive sex education program, whether developed by the State or by the local board of education, the parents and legal guardians of those students shall be given an opportunity to review the objectives and materials. Local boards of education shall adopt policies to provide opportunities

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either for parents and legal guardians to consent or for parents and legal guardians to withhold their consent to the students' participation in any or all of these programs.

- (8) Students may receive information about where to obtain contraceptives and abortion referral services only in accordance with a local board's policy regarding parental consent. Any instruction concerning the use of contraceptives or prophylactics shall provide accurate statistical information on their effectiveness and failure rates for preventing pregnancy and sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS), HIV/AIDS,~~ in actual use among adolescent populations and shall explain clearly the difference between risk reduction and risk elimination through abstinence. The Department of Health and Human Services shall provide the most current available information at the beginning of each school year."

SECTION 54.(d) This section applies beginning with the 2007-2008 school year.

SECTION 56.(a) Article 19A of Chapter 115C of the General Statutes is repealed.

SECTION 56.(b) G.S. 115C-284(c) reads as rewritten:

"(c) The State Board of Education shall have entire control of certifying all applicants for supervisory and professional positions in all public elementary and high schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and extension of all certificates, and shall determine and fix the salary for each grade and type of certificate which it authorizes. The State Board of Education shall require each applicant for an initial certificate or graduate ~~certificate, other than an applicant who is qualified under Article 19A of this Chapter,~~ certificate to demonstrate the applicant's academic and professional preparation by achieving a prescribed minimum score at least equivalent to that required by the Board on November 30, 1972, on a standard examination appropriate and adequate for that purpose. If the Board shall specify the National Teachers Examination for this purpose, the required minimum score shall not be lower than that which the Board required on November 30, 1972. ~~The Board may not require an applicant who is qualified under Article 19A of this Chapter to take an additional exam to demonstrate academic competence.~~ The Board shall not issue provisional certificates for principals."

SECTION 57.(a) Article 26A of Chapter 115C of the General Statutes, as enacted by Section 1 of S.L. 2005-22, is recodified as Article 25A of Chapter 115C of the General Statutes.

SECTION 57.(b) G.S. 115C-375.2(g), as enacted by Section 1 of S.L. 2005-22, reads as rewritten:

"(g) No local board of education, nor its members, employees, designees, agents, or volunteers, shall be liable in civil damages to any party for

any act authorized by this ~~subsection, section,~~ or for any omission relating to that act, unless that act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing."

SECTION 57.(c) The introductory language of Section 2(b) of S.L. 2005-22 reads as rewritten:

"**SECTION 2.(b)** ~~Article 26A, Article 25A of Chapter 115C of the General Statutes,~~ as created in Section 1 of this act, is amended by adding the following new section to read:

SECTION 58. G.S. 115C-391.1(d)(3), as enacted by Section 2 of S.L. 2005-205, reads as rewritten:

"(3) Nothing in this subsection shall be construed to prevent the use of mechanical restraint ~~devices, devices~~ such as handcuffs by law enforcement officers in the lawful exercise of their law enforcement duties."

SECTION 59.(a) G.S. 115C-566(a) reads as rewritten:

"(a) The Secretary of Administration, upon consideration of the advice of the Division of Nonpublic Education in the ~~Office of the Governor~~ Department of Administration and representatives of nonpublic schools, shall adopt rules for the procedures a person who is or was enrolled in a home school, in a nonpublic school that is not accredited by the State Board of Education, or in an educational program found by a court, prior to July 1, 1998, to comply with the compulsory attendance law, must follow and the requirements that person must meet to obtain a driving eligibility certificate. The procedures shall provide that the person who is required under G.S. 20-11(n) to sign the driving eligibility certificate must provide the certificate if he or she determines that one of the following requirements is met:

- (1) The person seeking the certificate is eligible for the certificate under G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).
- (2) The person seeking the certificate is eligible for the certificate under G.S. 20-11(n)(1) and G.S. 20-11(n1).

The rules shall define exemplary student behavior, define what constitutes the successful completion of a drug or alcohol treatment counseling program, and provide for an appeal to an appropriate educational entity by a person who is denied a driving eligibility certificate. The Division of Nonpublic Education also shall develop policies as to when it is appropriate to notify the Division of Motor Vehicles that a person who is or was enrolled in a home school or in a nonpublic school that is not accredited by the State Board of Education no longer meets the requirements for a driving eligibility certificate."

SECTION 59.(c) G.S. 143-55 reads as rewritten:

"§ 143-55. **Requisitioning for supplies by agencies; must purchase through sources certified.**

~~After~~ Unless otherwise provided by law, after sources of supply have been established by contract and certified by the Secretary of Administration to the said departments, institutions and agencies as herein provided for, it shall be the duty of all departments, institutions and agencies to make requisition or issue

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orders on forms to be prescribed by the Secretary of Administration, for all supplies, materials and equipment required by them upon the sources of supply so certified, and, except as herein otherwise provided for, it shall be unlawful for them, or any of them, to purchase any supplies, materials or equipment from other sources than those certified by the Secretary of Administration. One copy of such requisition or order shall be furnished to and when requested by the Secretary of Administration."

SECTION 60. G.S. 120-32.1(d) reads as rewritten:

"(d) For the purposes of this section, the term "State legislative buildings and grounds" means:

- (1) At all times:
 - a. The State Legislative Building;
 - a1. Repealed by Session Laws 1998-156, s. 1, effective September 24, 1998.
 - a2. The areas between the outer walls of the State Legislative Building and the far curblineline of those sections of Jones, Wilmington, Salisbury, and Lane Streets that border the land on which it is situated;
 - b. The Legislative Office Building, which shall include the following areas:
 1. The garden area and outer stairway;
 2. The loading dock area bounded by the wall on the east abutting the ~~State Government~~ Halifax Street Mall, the southern edge of the southernmost exit lane on Salisbury Street for the parking deck, and the Salisbury Street sidewalk;
 3. The area between its outer wall and the near curblineline of that section of Lane Street that borders the land on which it is situated; and
 4. The area bounded by its western outer wall, the extension of a line along its northern outer wall to the middle of Salisbury Street, following the middle line of Salisbury Street to the nearest point of the intersection of Lane and Salisbury Streets, and thence east to the near curblineline of the Legislative Office Building at its southwestern corner;
 - c. Any State-owned parking lot which is leased to the General Assembly;
 - d. The bridge between the State Legislative Building and the ~~State Governmental~~ Halifax Street Mall; ~~and~~

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- e. A portion of the brick sidewalk surface area of the ~~State Government Halifax Street Mall~~, described as follows: beginning at the northeast corner of the Legislative Office Building, thence east across the brick sidewalk to the inner edge of the sidewalk adjacent to the grassy area of the Mall, thence south along the inner edge of the sidewalk to the southwest outer corner of the ~~Mall water fountain, grassy area of the Mall~~, thence east along the inner edge of the sidewalk adjacent to the southern outer edge of the fountain-grassy area of the Mall to a point north of the northeast corner of the pedestrian surface of the Lane Street pedestrian bridge, thence south from that point to the northeast corner of the pedestrian surface of the bridge, thence west along the southern edge of the brick sidewalk area of the Mall to the southeast corner of the Legislative Office Building, thence north along the east wall of the Legislative Office Building, to the point of ~~beginning~~; and
- f. From the center of Lane Street to the far curblin on the south side of the street; between the western edge of the Lane Street driveway to the gardens behind the State Records Center, and Wilmington Street.

- (2) Repealed by Session Laws 1998-156, s. 1, effective September 24, 1998."

SECTION 61.(a) G.S. 122C-270 reads as rewritten:

"§ 122C-270. Attorneys to represent the respondent and the State.

(a) In a superior court district or set of districts as defined in G.S. 7A-41.1 in which a State facility for the mentally ill is located, the Commission on Indigent Defense Services shall appoint an attorney licensed to practice in North Carolina as special counsel for indigent respondents who are mentally ill. These special counsel shall serve at the pleasure of the Commission, may not privately practice law, and shall receive annual compensation within the salary range for assistant public defenders as fixed by the Office of Indigent Defense Services. The special counsel shall represent all indigent respondents at all hearings, rehearings, and supplemental hearings held at the State ~~facility and on appeals held under this Article.~~ facility. Special counsel shall determine indigency in accordance with G.S. 7A-450(a). Indigency is subject to redetermination by the presiding judge. If the respondent appeals, counsel for the appeal shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services.

(b) The State facility shall provide suitable office space for the counsel to meet privately with respondents. The Office of Indigent Defense Services

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shall provide secretarial and clerical service and necessary equipment and supplies for the office.

(c) In the event of a vacancy in the office of special counsel, counsel's incapacity, or a conflict of interest, counsel for indigents at hearings or rehearings may be assigned in accordance with rules adopted by the Office of Indigent Defense Services. No mileage or compensation for travel time is paid to a counsel appointed pursuant to this subsection. Counsel may also be so assigned when, in the opinion of the Director of the Office of Indigent Defense Services, the volume of cases warrants.

(d) At hearings held in counties other than those designated in subsection (a) of this section, counsel for indigent respondents shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services.

(e) ~~Counsel assigned to represent an indigent respondent at the initial district court hearing is also responsible for perfecting and concluding an appeal, if there is one. Upon completion of an appeal, or upon transfer of the respondent to a State facility for the mentally ill, if there is no appeal, assigned counsel is discharged.~~ If the respondent is committed to a non-State 24-hour facility, assigned counsel remains responsible for his—the respondent's representation at the trial level until discharged by order of district court, until the respondent is unconditionally discharged from the facility, or until the respondent voluntarily admits himself or herself to the facility. If the respondent is transferred to a State facility for the mentally ill, assigned counsel is discharged. If the respondent appeals, counsel for the appeal shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services.

(f) The Attorney General may employ four attorneys, one to be assigned by him full-time to each of the State facilities for the mentally ill, to represent the State's interest at commitment hearings, rehearings and supplemental hearings held under this Article at the State facilities for respondents admitted to those facilities pursuant to Part 3, 4, 7, or 8 of this Article or G.S. 15A-1321 and to provide liaison and consultation services concerning these matters. These attorneys are subject to Chapter 126 of the General Statutes and shall also perform additional duties as may be assigned by the Attorney General. The attorney employed by the Attorney General in accordance with G.S. 114-4.2B shall represent the State's interest at commitment hearings, rehearings and supplemental hearings held for respondents admitted to the University of North Carolina Hospitals at Chapel Hill pursuant to Part 3, 4, 7, or 8 of this Article or G.S. 15A-1321."

SECTION 61.(b) G.S. 122C-289 reads as rewritten:

"§ 122C-289. Duty of assigned counsel; discharge.

~~Counsel assigned to represent an indigent respondent at the initial district court hearing is also responsible for perfecting and concluding an appeal. Upon completion of an appeal, assigned counsel is discharged.~~ If the respondent is committed, assigned counsel remains responsible for his—the respondent's representation at the trial level until discharged by order of district court or until the respondent is otherwise unconditionally discharged. If the respondent

appeals, counsel for the appeal shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services."

SECTION 61.(c) This section becomes effective October 1, 2006, and applies to appeals filed on or after that date.

SECTION 63.(a) G.S. 130A-335.1(a) reads as rewritten:

"(a) ~~The manufacturer of each of, or the person who installs, repairs, or pumps, any~~ septic tank to be installed in this State as a part of a septic tank system that is designed to treat 3,000 gallons per day or less of sewage shall provide an effluent filter approved by the Department pursuant to the requirements of G.S. 130A-335, this section, and rules adopted by the Commission. Any person who installs, repairs, or pumps systems described in this section may purchase and install any approved filters on the systems. The person who installs the ~~septic tank system effluent filter~~ shall install the effluent filter as a part of the septic tank system in accordance with the specifications provided by the manufacturer of the effluent filter. An effluent filter shall:

- (1) Be made of materials that are capable of withstanding the corrosives to which septic tank systems are normally subject.
- (2) Prevent solid material larger than one-sixteenth of an inch, as measured along the shortest axis of the material, from entering the drainfield.
- (3) Be designed and constructed to allow for routine maintenance.
- (4) Be designed and constructed so as not to require maintenance more frequently than once in any three-year period under normally anticipated use."

SECTION 63.(b) If Senate Bill 1587, 2005 Regular Session, becomes law, this section is repealed.

SECTION 64.(a) G.S. 130A-480(d) reads as rewritten:

"(d) For purposes of this section, "hospital" means a hospital, as defined in G.S. 131E-214.1(3), that operates an emergency room on a 24-hour basis. The term does not include a psychiatric hospital ~~subject to Article 2 of Chapter 122C of the General Statutes that operates an emergency room.~~"

SECTION 64.(b) G.S. 131E-14.2(d), as amended by Section 1 of S.L. 2005-70, reads as rewritten:

"(d) Subsection (a) of this section shall not apply to any member of the board of directors of a public hospital if (i) the undertaking or contract or series of undertakings or contracts between the public hospital and one of its officials is approved by specific resolution of the board adopted in an open and public meeting and recorded in its minutes; (ii) the official entering into the contract or undertaking with the public hospital does not in an official capacity participate in any way or vote; and (iii) the amount does not exceed twelve thousand five hundred dollars (\$12,500) for medically related services and twenty-five thousand dollars (\$25,000) for other goods or services within a 12-month ~~period;~~ period, or the contract is for medically related or administrative services that are provided by a director who serves on the board as an ex officio representative of

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the hospital medical staff pursuant to a hospital bylaw adopted prior to January 1, 2005, or that are provided by the spouse of that director."

SECTION 65. G.S. 131D-21.2(b) reads as rewritten:

"(b) The proceedings of a quality assurance, medical, or peer review committee, the records and materials it produces and the materials it considers shall be confidential and not considered public records within the meaning of G.S. 132-1, "Public records' defined", and shall not be subject to discovery or introduction into evidence in any civil action against ~~a nursing an adult care home~~ or a provider of professional health services that results from matters that are the subject of evaluation and review by the committee. No person who was in attendance at a meeting of the committee shall be required to testify in any civil action as to any evidence or other matters produced or presented during the proceedings of the committee or as to any findings, recommendations, evaluations, opinions, or other actions of the committee or its members. However, information, documents, or records otherwise available are not immune from discovery or use in a civil action merely because they were presented during proceedings of the committee. Documents otherwise available as public records within the meaning of G.S. 132-1 do not lose their status as public records merely because they were presented or considered during proceedings of the committee. A member of the committee or a person who testifies before the committee may testify in a civil action but cannot be asked about the person's testimony before the committee or any opinions formed as a result of the committee hearings."

SECTION 66.(a) G.S. 135-40.13A reads as rewritten:

"§ 135-40.13A. Liability of third person; right of subrogation; right of first recovery.

~~(a) Whenever the Plan pays benefits for hospital, surgical, medical, or prescription drug expenses, with respect to any Plan member, the Plan shall be subrogated, to the extent of any payments under the Plan, to all of the Plan member's rights of recovery against liable third parties, regardless of the entity or individual from whom recovery may be due. The Plan shall have the right of subrogation upon all of the Plan member's right to recover from a liable third party for payment made under the Plan, for all medical expenses, including provider, hospital, surgical, or prescription drug expenses, to the extent those payments are related to an injury caused by a liable third party. The Plan member shall do nothing to prejudice these rights. The Plan has the right to first recovery on any amounts so recovered, whether by the Plan or the Plan member, and whether recovered by litigation, arbitration, mediation, settlement, or otherwise. Notwithstanding any other provision of law to the contrary, the recovery limitation set forth in G.S. 28A-18-2 shall not apply to the Plan's right of subrogation of Plan members.~~

(b) If the Plan is precluded from exercising its right of subrogation, it may exercise its rights of recovery ~~to the extent allowed by law pursuant to G.S. 135-40.13(g).~~ If the Plan recovers damages from a liable third party in excess of the claims paid, any excess will be paid to the member, less a proportionate share of the costs of collection.

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(c) In the event a Plan member recovers any amounts from a liable third party to which the Plan is entitled under this section, the Plan may recover the amounts directly from the Plan member. The Plan has a lien, for not more than the value of claims paid related to the liability of the third party, on any damages subsequently recovered against the liable third party. If the Plan member fails to pursue the remedy against a liable third party, the Plan is subrogated to the rights of the Plan member and is entitled to enforce liability in the Plan's own name or in the name of the Plan member for the amount paid by the Plan.

(d) In no event shall the Plan's lien exceed fifty percent (50%) of the total damages recovered by the Plan member, exclusive of the Plan member's reasonable costs of collection as determined by the Plan in the Plan's sole discretion. The decision by the Plan as to the reasonable cost of collection is conclusive and is not a "final agency decision" for purposes of a contested case under Chapter 150B of the General Statutes. Notice of the Plan's lien or right to recovery shall be presumed when a Plan member is represented by an attorney, and the attorney shall disburse proceeds pursuant to this section.

SECTION 66.(b) G.S. 28A-18-2(a) reads as rewritten:

"(a) When the death of a person is caused by a wrongful act, neglect or default of another, such as would, if the injured person had lived, have entitled him to an action for damages therefor, the person or corporation that would have been so liable, and his or their personal representatives or collectors, shall be liable to an action for damages, to be brought by the personal representative or collector of the decedent; and this notwithstanding the death, and although the wrongful act, neglect or default, causing the death, amounts in law to a felony. The personal representative or collector of the decedent who pursues an action under this section may pay from the assets of the estate the reasonable and necessary expenses, not including attorneys' fees, incurred in pursuing the action. At the termination of the action, any amount recovered shall be applied first to the reimbursement of the estate for the expenses incurred in pursuing the action, then to the payment of attorneys' fees, and shall then be distributed as provided in this section. The amount recovered in such action is not liable to be applied as assets, in the payment of debts or legacies, except as to burial expenses of the deceased, and reasonable hospital and medical expenses not exceeding four thousand five hundred dollars (\$4,500) incident to the injury resulting in death, except that the amount applied for hospital and medical expenses shall not exceed fifty percent (50%) of the amount of damages recovered after deducting attorneys' fees, but shall be disposed of as provided in the Intestate Succession Act. The limitations on recovery for hospital and medical expenses under this subsection do not apply to subrogation rights exercised pursuant to G.S. 135-40.13A. All claims filed for such services shall be approved by the clerk of the superior court and any party adversely affected by any decision of said clerk as to said claim may appeal to the superior court in term time."

SECTION 66.(c) This section is effective when it becomes law and applies to payments made by the Plan after July 20, 2004, for which

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reimbursement is sought on or after the effective date. Subsection (b) of this section applies to wrongful deaths occurring on or after the effective date.

SECTION 67.(a) G.S. 143-3.3(g), as amended by Section 6.35 of S.L. 2005-276, reads as rewritten:

"(g) Payroll Deduction for Payments to Certain Employees' Associations Allowed. – An employee of the State or any of its political subdivisions, institutions, departments, bureaus, agencies or commissions, or any of its local boards of education or community colleges, who is a member of a domiciled employees' association that has at least 2,000 members, 500 of whom are employees of the State, a political subdivision of the State, or public school employees, may authorize, in writing, the periodic deduction each payroll period from the employee's salary or wages a designated lump sum to be paid to the employees' association. A political subdivision may also allow periodic deductions for a domiciled employees' association that does not otherwise meet the minimum membership requirements set forth in this paragraph.

An employee of any local board of education who is a member of a domiciled employees' association that has at least 40,000 members, the majority of whom are public school teachers, may authorize in writing the periodic deduction each payroll period from the employee's salary or wages a designated lump sum or sums to be paid for dues and voluntary contributions for the employees' association.

An authorization under this subsection shall remain in effect until revoked by the employee. A plan of payroll deductions pursuant to this subsection for employees of the State and other association members shall become void if the employees' association engages in collective bargaining with the State, any political subdivision of the State, or any local school administrative unit. This subsection does not apply to county or municipal governments or any local governmental unit, except for local boards of education."

SECTION 67.(b) If House Bill 914, 2005 Regular Session, becomes law, effective July 1, 2007, the same amendment to G.S. 143-3.3(g), made by subsection (a) of this section, is also made to G.S. 143B-426.39D(g), as enacted by Section 9 of House Bill 914 and recodified by Senate Bill 198, 2005 Regular Session, or to G.S. 143B-426.39A(g), if it is not recodified.

SECTION 68. G.S. 143-717(b) reads as rewritten:

"(b) Membership. – The Commission shall consist of 18 members. The Commission shall be appointed as follows: six members by the Governor, six members by the President Pro Tempore of the Senate, and six members by the Speaker of the House of Representatives. The members shall be appointed as follows:

- (1) The Governor shall make the following appointments:
 - a. A flue-cured tobacco farmer.
 - b. A flue-cured tobacco farmer.
 - c. A person in or displaced from tobacco-related employment.
 - d. An at-large appointee.
 - e. An at-large appointee.
 - f. An at-large appointee.

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- (2) The President Pro Tempore of the Senate shall make the following appointments:
 - a. A flue-cured tobacco farmer.
 - b. A flue-cured tobacco farmer.
 - c. A ~~burley allotment holder who is also a~~ burley tobacco farmer.
 - d. An at-large appointee.
 - e. An at-large appointee.
 - f. An at-large appointee.
- (3) The Speaker of the House of Representatives shall make the following appointments:
 - a. A flue-cured tobacco farmer.
 - b. A former flue-cured allotment holder who is not also a flue-cured tobacco farmer.
 - c. A burley tobacco farmer.
 - d. An at-large appointee.
 - e. An at-large appointee.
 - f. An at-large appointee.

It is the intent of the General Assembly that the appointing authorities, in appointing members, shall appoint members who represent the geographic, political, gender, and racial diversity of the State. It is the intent of the General Assembly that at least one-half of the members of the Commission be tobacco farmers.

Except as provided for the initial members under subsection (c) of this section, members shall serve four-year terms beginning July 1. No member may serve more than two full consecutive terms. Members may continue to serve beyond their terms until their successors are duly appointed, but any holdover shall not affect the expiration date of the succeeding term. Vacancies shall be filled by the designated appointing authority for the remainder of the unexpired term. A member may be removed from office for cause by the authority that appointed that member."

SECTION 69.(a) G.S. 143B-437.51 reads as rewritten:

"§ 143B-437.51. Definitions.

The following definitions apply in this Part:

- (1) Agreement. – A community economic development agreement under G.S. 143B-437.57.
- (2) ~~Base years period. – The first 24 months following the date set by the Committee for performance to begin under the agreement~~ period of time set by the Committee during which new employees are to be hired for the positions on which the grant shall be based.
- (3) Business. – A corporation, sole proprietorship, cooperative association, partnership, S corporation, limited liability company, nonprofit corporation, or other form of business organization, located either within or outside this State.

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- (4) Committee. – The Economic Investment Committee established pursuant to G.S. 143B-437.54.
- (5) Eligible position. – A position created by a business and filled by a new ~~full-time~~ employee in this State during the ~~base years or in subsequent years of a grant period.~~
- (5a) Enterprise tier. – The classification assigned to an area pursuant to G.S. 105-129.3.
- (6) Full-time employee. – A person who is employed for consideration for at least 35 hours a week, whose wages are subject to withholding under Article 4A of Chapter 105 of the General Statutes, and who is determined by the Committee to be employed in a permanent position according to criteria it develops in consultation with the Attorney General. The term does not include any person who works as an independent contractor or on a consulting basis for the business.
- (7) New employee. – A full time employee who represents a net increase in the number of the business's employees statewide. The term includes an employee who previously filled an eligible position who is rehired or called back from a layoff that occurs during or following the base years to a vacant position previously held by that employee or to a new position established during or following the base years.
- (8) Overdue tax debt. – Defined in G.S. 105-243.1.
- (9) Related member. – Defined in G.S. 105-130.7A.
- (10) Withholdings. – The amount withheld by a business from the wages of employees in eligible positions under Article 4A of Chapter 105 of the General Statutes."

SECTION 69.(b) G.S. 143B-437.52(d) reads as rewritten:

"(d) Measuring Employment. – For the purposes of subdivision (a)(1) of this section and G.S. 143B-437.51(5), 143B-437.51(7), and 143B-437.57(a)(11), the Committee may designate that the increase or maintenance of employment is measured at the level of a division or another operating unit of a business, rather than at the business level, if both of the following conditions are met:

- (1) The Committee makes an explicit finding that the designation is necessary to secure the project in this State.
- (2) The ~~designation agreement~~ contains terms to ensure that the business does not create eligible positions by transferring or shifting to the project existing positions from another project of the business or a related member of the business."

SECTION 69.(c) G.S. 143B-437.55(a) reads as rewritten:

"(a) Application. – A business shall apply, under oath, to the Committee for a grant on a form prescribed by the Committee that includes at least all of the following:

- (1) The name of the business, the proposed location of the project, and the type of activity in which the business will engage at the project site or sites.
- (2) The names and addresses of the principals or management of the business, the nature of the business, and the form of business organization under which it is operated.
- (3) The financial statements of the business prepared by a certified public accountant and any other financial information the Committee considers necessary.
- (4) The number of eligible positions proposed to be created ~~during the base years and thereafter for the project~~ and the salaries for these positions."

SECTION 69.(d) G.S. 143B-437.56(c) reads as rewritten:

"(c) The grant may be based only on eligible positions created during the base years, ~~unless the Committee makes an explicit determination that the grant shall also be based on additional eligible positions created during the remainder of the term of the grant period set by the Committee.~~"

SECTION 69.(e) G.S. 143B-437.57(a) reads as rewritten:

"(a) Terms. – Each community economic development agreement shall include at least the following:

- (1) A detailed description of the proposed project that will result in job creation and the number of new employees to be hired ~~in during the base years and later years period.~~
- (2) The term of the grant and the criteria used to determine the first year for which the grant may be claimed.
- (3) The number of eligible positions that are subjects of the grant and a description of those positions and the location of those positions.
- (4) The amount of the grant based on a percentage of withholdings.
- (5) A method for determining the number of new employees hired during a grant year.
- (6) A method for the business to report annually to the Committee the number of eligible positions for which the grant is to be made.
- (7) A requirement that the business report to the Committee annually the aggregate amount of withholdings during the grant year.
- (8) A provision permitting an audit of the payroll records of the business by the Committee from time to time as the Committee considers necessary.
- (9) A provision that requires the Committee to amend an agreement pursuant to G.S. 143B-437.59.
- (10) A provision that requires the business to maintain operations at the project location or another location approved by the Committee for at least one hundred fifty

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percent (150%) of the term of the grant and a provision to permit the Committee to recapture all or part of the grant at its discretion if the business does not remain at the site for the required term.

- (11) A provision that requires the business to maintain employment levels in this State at the level of the year immediately preceding the base-years period."

SECTION 69.(f) G.S. 143B-437.58(a) reads as rewritten:

"(a) No later than March 1 of each year, for the preceding grant year, every business that is awarded a grant under this Part shall submit to the Committee a report showing withholdings as a condition of its continuation in the grant program. In addition, during the base period, the business shall submit to the Committee an annual payroll report showing the eligible positions that ~~are have been created~~ during the ~~base years and the new eligible positions created during each subsequent~~ preceding calendar year and, subsequent to the base period, the business shall submit to the Committee an annual report showing the eligible positions that remain filled at the end of each year of the grant. Upon request of the Committee, the business shall also submit a copy of its State and federal tax returns. Payroll and tax information ~~and State and federal tax returns of individual taxpayers~~ submitted under this subsection is tax information subject to G.S. 105-259. Aggregated payroll or withholding tax information submitted or derived under this subsection is not tax information subject to G.S. 105-259. When making a submission under this section, the business must pay the Committee a fee of one thousand five hundred dollars (\$1,500). The fee is due at the time the submission is made. The Secretary of Commerce, the Secretary of Revenue, and the Director of the Office of State Budget and Management shall determine the allocation of the fee imposed by this section among their agencies. The proceeds of the fee are receipts of the agency to which they are credited."

SECTION 69.(g) If House Bill 2744, 2005 Regular Session, becomes law, this section is repealed.

SECTION 70. G.S. 145-23, as enacted by S.L. 2005-78, reads as rewritten:

"§ 145-23. State birthplace of traditional pottery.

The Seagrove area, including portions of Randolph, Chatham, Lee, Moore, and Montgomery Counties, is designated as the official location of the birthplace of North Carolina traditional pottery."

SECTION 71. G.S. 147-33.72F reads as rewritten:

"§ 147-33.72F. Procurement procedures; cost savings.

Pursuant to Part 4 of this Article, the Office of ~~State~~ Information Technology Services shall establish procedures for the procurement of information technology. The procedures may include aggregation of hardware purchases, the use of formal bid procedures, restrictions on supplemental staffing, enterprise software licensing, hosting, and multiyear maintenance agreements. The procedures may require agencies to submit information technology procurement requests to the Office of ~~State~~ Information Technology

Services on October 1, January 1, and June 1 of each fiscal year in order to allow for bulk purchasing."

SECTION 72.(a) G.S. 147-33.97 reads as rewritten:

"§ 147-33.97. **Information technology procurement policy; reporting requirements.**

(a) Policy. – In order to further the policy of the State to encourage and promote the use of small, minority, physically handicapped, and women contractors in State purchasing of goods and services, all State agencies covered by this Part shall cooperate with the Office in efforts to encourage the use of small, minority, physically handicapped, and women contractors in achieving the purpose of this Part, which is to provide for the effective and economical acquisition, management, and disposition of information technology.

(a1) A vendor submitting a bid shall disclose in a statement, provided contemporaneously with the bid, where services will be performed under the contract sought, including any subcontracts and whether any services under that contract, including any subcontracts, are anticipated to be performed outside the United States. Nothing in this section is intended to contravene any existing treaty, law, agreement, or regulation of the United States.

(a2) The State Chief Information Officer shall retain the statements required by subsection (a1) of this section regardless of the State entity that awards the contract and shall report annually to the Secretary of Administration on the number of contracts which are anticipated to be performed outside the United States.

(b) Reporting. – Every State agency that makes a direct purchase of information technology using the services of the Office shall report directly to the Department of Administration all information required by G.S. 143-48(b).

(c) The Department of Administration shall collect and compile the data described in this section and report it annually to the Office."

SECTION 72.(b) This section becomes effective October 1, 2006, and applies to all bids submitted on or after that date.

SECTION 74. G.S. 160A-270(c), as amended by Section 4 of S.L. 2005-227, reads as rewritten:

"(c) The council may conduct auctions of real or personal property electronically by authorizing the establishment of an electronic auction procedure or by authorizing the use of existing private or public electronic auction services. Notice of an electronic auction of property shall identify, in addition to the information required in subsections (a) and (b) of this section, the electronic address where information about the property to be sold can be found and the electronic address where electronic bids may be posted. Notice may be published in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to publish notice solely by electronic means for a particular ~~contract-auction~~ or for all ~~contracts-auctions~~ under this subsection shall be approved by the governing board of the political subdivision. Except as provided in this subsection, all requirements of subsections (a) and (b) of this section apply to electronic auctions."

SECTION 75.5.(a) Section 16 of S.L. 2005-428 is repealed.

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SECTION 75.5.(b) Article 12A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-132.1B. Participation in 2010 Census Redistricting Data Program of the United States Bureau of the Census.

(a) Purpose. – The State of North Carolina shall participate in the 2010 Census Redistricting Data Program, conducted pursuant to P.L. 94-171, of the United States Bureau of the Census, so that the State will receive 2010 Census data by voting precinct and be able to revise districts at all levels without splitting precincts and in compliance with the United States and North Carolina Constitutions and the Voting Rights Act of 1965, as amended.

(b) Additional Rules. – In addition to directives promulgated by the Executive Director of the State Board of Elections under G.S. 163-132.4, the Legislative Services Commission may promulgate rules to implement this section."

SECTION 76.(a) G.S. 163-165.7(a), as enacted by Section 1 of S.L. 2005-323 reads as rewritten:

"(a) Only voting systems that have been certified by the State Board of Elections in accordance with the procedures and subject to the standards set forth in this section and that have not been subsequently decertified shall be permitted for use in elections in this State. Those certified voting systems shall be valid in any election held in the State or in any county, municipality, or other electoral district in the State. Subject to all other applicable rules adopted by the State Board of Elections and, with respect to federal elections, subject to all applicable federal regulations governing voting systems, paper ballots marked by the voter and counted by hand shall be deemed a certified voting system. The State Board of Elections shall certify optical scan voting systems, optical scan with ballot markers voting systems, and direct record electronic voting systems if any of those systems meet all applicable requirements of federal and State law. The State Board may certify additional voting systems only if they meet the requirements of the request for proposal process set forth in this section and only if they 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. Those voting systems may include optical scan and direct record electronic (DRE) voting systems. In consultation with the Office of Information Technology Services, the State Board shall develop the requests for proposal subject to the provisions of this Chapter and other applicable State laws. Among other requirements, the request for proposal shall require at least all of the following elements:

- (1) That the vendor post a bond or letter of credit to cover damages resulting from defects in the voting system. Damages shall include, among other items, any costs of conducting a new election attributable to those defects.
- (2) That the voting system comply with all federal requirements for voting systems.
- (3) That the voting system must have the capacity to include in precinct returns the votes cast by voters outside of the voter's precinct as required by G.S. 163-132.5G.

- (4) With respect to electronic voting systems, that the voting system generate a paper record of each individual vote cast, which paper record shall be maintained in a secure fashion and shall serve as a backup record for purposes of any hand-to-eye count, hand-to-eye recount, or other audit. Electronic systems that employ optical scan technology to count paper ballots shall be deemed to satisfy this requirement.
- (5) With respect to DRE voting systems, that the paper record generated by the system be viewable by the voter before the vote is cast electronically, and that the system permit the voter to correct any discrepancy between the electronic vote and the paper record before the vote is cast.
- (6) With respect to all voting systems using electronic means, that the vendor provide access to all of any information required to be placed in escrow by a vendor pursuant to G.S. 163-165.9A for review and examination by the State Board of Elections; the Office of Information Technology Services; the State chairs of each political party recognized under G.S. 163-96; the purchasing county; and designees as provided in subdivision (9) of subsection (d) of this section.
- (7) That the vendor must quote a statewide uniform price for each unit of the equipment.
- (8) That the vendor must separately agree with the purchasing county that if it is granted a contract to provide software for an electronic voting system but fails to debug, modify, repair, or update the software as agreed or in the event of the vendor having bankruptcy filed for or against it, the source code described in G.S. 163-165.9A(a) shall be turned over to the purchasing county by the escrow agent chosen under G.S. 163-165.9A(a)(1) for the purposes of continuing use of the software for the period of the contract and for permitting access to the persons described in subdivision (6) of this subsection for the purpose of reviewing the source code.

In its request for proposal, the State Board of Elections shall address the mandatory terms of the contract for the purchase of the voting system and the maintenance and training related to that voting system.

~~No~~If a voting system was acquired or upgraded by a county before August 1, 2005, shall be used in an election during or after 2006 unless the county shall not be required to go through the purchasing process described in this subsection if the county can demonstrate to the State Board of Elections compliance with the requirements in subdivisions (1) through (6) and subdivision (8) of this subsection, where those requirements are applicable to the type of voting system involved. If the county cannot demonstrate to the State Board of Elections that

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the voting system is in compliance with those subdivisions, the county board shall not use the system in an election during or after 2006, and the county shall be subject to the purchasing requirements of this subsection."

SECTION 76.(b) G.S. 163-182.1(b)(1), as enacted by Section 5 of S.L. 2005-323, reads as rewritten:

"(1) Provide for a sample hand-to-eye count of the paper ballots or paper records of a statewide ballot item in every county. The presidential ballot item shall be the subject of the sampling in a presidential election. If there is no statewide ballot item, the State Board shall provide a process for selecting district or local ballot items to adequately sample the electorate. The sample chosen by the State Board shall be of one or more full precincts, full counts of mailed absentee ballots, ~~and full counts of one or more one-stop early voting sites.~~ or a combination. The size of the sample of each category shall be chosen to produce a statistically significant result and shall be chosen after consultation with a statistician. The actual units shall be chosen at random. In the event of a material discrepancy between the electronic or mechanical count and a hand-to-eye count, the hand-to-eye count shall control, except where paper ballots or records have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count. If the discrepancy between the hand-to-eye count and the mechanical or electronic count is significant, a complete hand-to-eye count shall be conducted."

SECTION 76.(c) G.S. 163-182.2(b)(1a), as enacted by Section 5 of S.L. 2005-323, reads as rewritten:

"(1a) For optical scan and direct record electronic voting systems, and for any other voting systems in which ballots are counted other than on paper by hand and eye, those rules shall provide for a sample hand-to-eye count of the paper ballots or paper records of a sampling of a statewide ballot item in every county. The presidential ballot item shall be the subject of the sampling in a presidential election. If there is no statewide ballot item, the State Board shall provide a process for selecting district or local ballot items to adequately sample the electorate. The sample chosen by the State Board shall be of one or more full precincts, full counts of mailed absentee ballots, and full counts of one or more one-stop early voting sites. The size of the sample of each category shall be chosen to produce a statistically significant result and shall be chosen after consultation with a statistician. The actual units shall be chosen at random. In the event of a material

discrepancy between the electronic or mechanical count and a hand-to-eye count, the hand-to-eye count shall control, except where paper ballots or records have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count. If the discrepancy between the hand-to-eye count and the mechanical or electronic count is significant, a complete hand-to-eye count shall be conducted. The sample count need not be done on election night."

SECTION 76.(d) Section 7 of S.L. 2005-323 is repealed.

SECTION 76.8. The catch line to G.S. 158-33 reads as rewritten:

"§ 158-33. **Creation of ~~Global TransPark Development Zone~~ North Carolina's Eastern Region.**"

SECTION 77. Section 11 of Chapter 149 of the 1931 Session Laws, as amended by Chapter 255 of the 1947 Session Laws and Chapter 745 of the 1953 Session Laws and Chapter 20 of the 1985 Session Laws and Section 42 of Chapter 199 of the 2004 Session Laws, is rewritten to read:

"Sec. 1. The term of the School Board shall be for four years and the governing body of the City of Asheville shall, during the month of March 2007 and quadrennially thereafter, appoint or elect two persons to the Board for four-year terms or until their successors are elected and qualified, and, during the month of March 2009, and quadrennially thereafter, appoint or elect three persons to the Board for four-year terms or until their successors are elected and qualified. All Board members shall be residents of the Asheville City School District and shall be persons known to be in favor of public education and interested in the welfare of the schools and shall be appointed or elected with the sole object in view of maintaining the efficiency of the schools of said district and without any partisan prejudice or bias. If any vacancy in the membership of said board occurs by reasons of death or resignation or otherwise, the governing body of the City of Asheville shall fill the same appointment or election. Terms shall begin on April 1 and in April 2007, and each biennial year thereafter, the Board shall meet and elect a chairman, who will preside over the meetings of the Board. A majority of the members of the Board shall constitute a quorum and the chairman or two members may call a meeting.

"Sec. 2. That all laws and clauses in conflict with this Act are hereby repealed.

"Sec. 3. That this Act shall be effective when it becomes law."

SECTION 78. Chapter 273 of the 1983 Session Laws, as amended by Section 127 of Chapter 1034 of the 1983 Session Laws, is amended by adding the following new sections to read:

"Section 1.2. Beginning with fiscal year 2007-2008 and every fiscal year thereafter, the Burke County Board of Commissioners may appropriate up to ten percent (10%) of the anticipated revenues in Section 1(2) of the Act to the local current expense fund of the Burke County Board of Education. All remaining revenues shall be appropriated by the Burke County Board of Commissioners to the local capital outlay fund of the Burke County Board of Education.

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"Section 1.3. In the alternative to Section 1.2 above, during any fiscal year in which the anticipated revenues by the Burke County Board of Commissioners for appropriation under Section 1(2) of the Act exceed the amount of seven million dollars (\$7,000,000), the Burke County Board of Commissioners may appropriate an amount equal to fifty percent (50%) of the revenues designated for school capital expenditures and debt under Article 42 of Chapter 105 of the North Carolina General Statutes from the anticipated revenues appropriated under Section 1(2) of the Act to (1) the Burke County Board of Commissioners' general fund, (2) the local current expense fund of the Burke County Board of Education as part of its appropriation to that fund, or (3) both funds.

"Section 1.4. In the event that the Burke County Board of Education receives additional capital outlay revenues from a fund or source other than those in existence on or before August 3, 2005 ("the Additional Capital Revenue"), then, to the extent permitted by applicable law, the Board of Commissioners may appropriate up to fifty percent (50%) of the value of the Additional Capital Revenue appropriated for use to or used by the Board of Education in any fiscal year from the revenues appropriated under Section 1(2) of the Act to (1) the Burke County Board of Commissioners' general fund, (2) the local current expense fund of the Board of Education as part of its appropriation to that fund, or (3) both funds. In no event shall the amount of this appropriation exceed the anticipated revenues appropriated under Section 1(2) of the Act."

SECTION 79. Section 4 of S.L. 1991-1012 is repealed.

SECTION 80. Section 11.69(b2)(3) of S.L. 1997-443, as enacted by Section 3 of S.L. 2001-234, reads as rewritten:

"(b2) Notwithstanding the provisions of subsection (b1) of this section, any person who obtained an exemption under subsection (b) of this section for the construction of a new building that is not connected to any other existing structure by more than a protected walkway, and who obligated one or more Qualifying Financial Commitments for the construction of the building of a value totaling at least twenty-five thousand dollars (\$25,000), before January 1, 2001, may proceed to develop the beds and obtain a license for the operation of the beds if all of the following conditions are met. Exemptions that were received for increases in bed capacity of existing buildings must meet the requirements set forth in subsection (b1) of this section.

...

- (3) ~~Not later than the close of business on December 1, 2005, the person granted the exemption shall submit to the Department of Health and Human Services a copy of the certificate of occupancy from the building inspector for the facility for which the exemption was granted. Not later than the close of business on June 30, 2006, the person granted the exemption who has met the requirements set forth in subdivisions (1) and (2) of this subsection shall submit to the Department of Health and Human Services a copy of the certificate of occupancy~~

from the building inspector for the facility for which the exemption was granted."

SECTION 81.(a) Section 4 of S.L. 2005-16 reads as rewritten:

"SECTION 4. This act is effective when it becomes law.becomes effective July 1, 2005."

SECTION 81.(b) This section becomes effective April 26, 2005.

SECTION 82.(a) The introductory language of Section 5 of S.L. 2005-123 is rewritten to read:

"**SECTION 5.** G.S. 47-46.1 and G.S. 47-46.2 read as rewritten:".

SECTION 82.(b) If Senate Bill 1479, 2005 Regular Session, becomes law, this section is repealed.

SECTION 83. The prefatory language in Section 19 of S.L. 2005-210 is amended by deleting: "58-37(1)" and substituting "58-37-35(1)".

SECTION 89.(a) G.S. 143B-267, as amended by Section 17.25(a) of S.L. 2005-276, reads as rewritten:

"§ 143B-267. Post-Release Supervision and Parole Commission – members; selection; removal; chairman; compensation; quorum; services.

Effective August 1, 2005, the Post-Release Supervision and Parole Commission shall consist of one full-time member and two half-time members. The three members shall be appointed by the Governor from persons whose recognized ability, training, experience, and character qualify them for service on the Commission. The terms of office of any members serving on the Commission on June 30, 2005, shall expire on that date. The terms of office of persons appointed by the Governor as members of the Commission shall be for four years or until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, removal, death or disability of a member shall be for the balance of the unexpired term only.

The Governor shall have the authority to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of G.S. 143B-13. The Governor shall designate a member of the Commission to serve as chair of the Commission at the pleasure of the Governor.

The granting, denying, revoking, or rescinding of parole, the authorization of work-release privileges to a prisoner, or any other matters of business coming before the Commission for consideration and action shall be decided by majority vote of the full Commission.

The members of the Commission shall receive the salary fixed by the General Assembly in the Current Operations Appropriations Act and shall receive necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-6. Notwithstanding any other provision of law, the half-time members of the Commission shall not be subject to the provisions of G.S. 135-3(8)(c).

All clerical and other services required by the Commission shall be supplied by the Secretary of Correction."

SECTION 91.(a) S.L. 2005-344 is amended by adding a new section to read:

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"**SECTION 31.1.(j)** If House Bill 1023, 2005 Regular Session, becomes law, then that act is amended by adding a new section to read:

SECTION 10.5. Section 10.3 of this act is effective for taxable years beginning on or after January 1, 2005."

SECTION 91.(b) G.S. 105-163.2B reads as rewritten:

"§ **105-163.2B. North Carolina State Lottery Commission must withhold taxes.**

The North Carolina State Lottery Commission, established by Chapter 18C of the General Statutes, must deduct and withhold State income taxes from the payment of winnings ~~that are reportable to the Internal Revenue Service under section 3406 of the Code in an amount of six hundred dollars (\$600.00) or more.~~ The amount of taxes to be withheld is seven percent (7%) of the winnings. The Commission must file a ~~return and return~~, pay the withheld ~~taxes—taxes, and report the amount withheld~~ in the time and manner required under G.S. 105-163.6 as if the winnings were wages. The taxes the Commission withholds are held in trust for the Secretary."

SECTION 91.(c) G.S. 114-19.16 reads as rewritten:

"§ **114-19.16. Criminal record checks for the North Carolina State Lottery Commission and its Director.**

The Department of Justice may provide to the North Carolina State Lottery Commission and to its Director from the State and National Repositories of Criminal Histories the criminal history of any prospective employee of the Commission and any prospective lottery vendor. The North Carolina State Lottery Commission or its Director shall provide to the Department of Justice, along with the request, the fingerprints of the prospective employee of the Commission, or of the prospective lottery vendor, a form signed by the prospective employee of the Commission, or of the prospective vendor consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories, and any additional information required by the Department of Justice. The fingerprints of the prospective employee of the Commission, or prospective lottery vendor, shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The North Carolina State Lottery Commission and its Director shall remit any fingerprint information retained by the Commission to alcohol law enforcement agents appointed under Article 5 of Chapter 18B of the General Statutes and shall keep all information obtained pursuant to this section confidential. The Department of Justice shall charge a reasonable fee only for conducting the checks of the ~~national~~ criminal history records authorized by this section."

SECTION 91.(d) S.L. 2005-344 is amended by adding a new section to read:

"**SECTION 31.1.(k)** If House Bill 1023, 2005 Regular Session becomes law, then that act is amended by adding a new section to read:

SECTION 2.1. The State Education Assistance Authority shall report annually to the Joint Legislative Commission on Governmental Operations regarding the use of the funds allocated to the Authority under this act."

SECTION 91.(e) If Senate Bill 1523, 2005 Regular Session, becomes law, subsections (b) and (c) of this section are repealed.

SECTION 91.6. S.L. 2005-276 is amended by adding the following new section to read:

"SECTION 19A.4. Funds appropriated in this act to the Department of Cultural Resources for the 2005-2006 fiscal year for the Edenton Signers Memorial may be used to establish the Memorial on the grounds of the Chowan County Courthouse or Courthouse Green to honor Hugh Williamson, a signer of the United States Constitution."

SECTION 91.7. G.S. 97-18 reads as rewritten:

"§ 97-18. Prompt payment of compensation required; installments; payment without prejudice; notice to Commission; penalties.

...

(c) If the employer or insurer denies the employee's right to compensation, the employer or insurer shall notify the Commission, on or before the fourteenth day after it has written or actual notice of the injury or death, or within such reasonable additional time as the Commission may allow, and advise the employee in writing of its refusal to pay compensation on a form prescribed by the Commission. This notification shall (i) include the name of the employee, the name of the employer, the date of the alleged injury or death, the insurer on the risk, if any, and a detailed statement of the grounds upon which the right to compensation is denied, and (ii) advise the employee of the employee's right to request a hearing pursuant to G.S. 97-83. If the employer or insurer, in good faith, is without sufficient information to admit the employee's right to compensation, the employer or insurer may deny the employee's right to compensation.

(d) In any claim for compensation in which the employer or insurer is uncertain on reasonable grounds whether the claim is compensable or whether it has liability for the claim under this Article, the employer or insurer may ~~deny the claim in good faith or~~ initiate compensation payments without prejudice and without admitting liability. The initial payment shall be accompanied by a form prescribed by and filed with the Commission, stating that the payments are being made without prejudice. Payments made pursuant to this subsection may continue until the employer or insurer contests or accepts liability for the claim or 90 days from the date the employer has written or actual notice of the injury or death, whichever occurs first, unless an extension is granted pursuant to this section. Prior to the expiration of the 90-day period, the employer or insurer may upon reasonable grounds apply to the Commission for an extension of not more than 30 days. The initiation of payment does not affect the right of the employer or insurer to continue to investigate or deny the compensability of the claim or its liability therefor during this period. If at any time during the 90-day period or extension thereof, the employer or insurer contests the compensability of the claim or its liability therefor, it may suspend payment of compensation and shall promptly notify the Commission and the employee on a form prescribed by the Commission. The employer or insurer must provide on the prescribed form a detailed statement of its grounds for denying compensability of the claim or its liability therefor. If the employer or insurer does not contest the compensability

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of the claim or its liability therefor within 90 days from the date it first has written or actual notice of the injury or death, or within such additional period as may be granted by the Commission, it waives the right to contest the compensability of and its liability for the claim under this Article. However, the employer or insurer may contest the compensability of or its liability for the claim after the 90-day period or extension thereof when it can show that material evidence was discovered after that period that could not have been reasonably discovered earlier, in which event the employer or insurer may terminate or suspend compensation subject to the provisions of G.S. 97-18.1.

...."

SECTION 93.(a) G.S. 7A-133(b) reads as rewritten:

"(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

- (1) District Court District 9 consists of Franklin and Granville Counties and the remainder of Vance County not in District Court District 9B.
- (2) District Court District 9B consists of Warren County and East Henderson I, North Henderson I, North Henderson II, Middleburg, Townsville, and Williamsboro Precincts of Vance County.
- (3) District Court District ~~20B~~ 20C consists of the remainder of Union County not in District Court District ~~20C~~: 20B.
- (4) District Court District ~~20C~~ 20B consists of Precinct 01: Tract 204.01: Block Group 2: Block 2040, Block 2057, Block 2058, Block 2060, Block 2061, Block 2062, Block 2064, Block 2065; Tract 204.02: Block Group 2: 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 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 3000, 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 3025, Block 3026, Block 3027, 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 Group 4: Block 4035, Block 4054,

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Block 4055; Precinct 02: Tract 205: 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, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1037, Block 1038; Block Group 2: Block 2081, Block 2082, Block 2092, Block 2099, Block 2100, Block 2101, Block 2102; Tract 206: Block Group 3: Block 3036, Block 3038, Block 3039, Block 3040, Block 3048; Block Group 4: Block 4053; Precinct 03, Precinct 04, Precinct 06: Tract 202.02: Block Group 1: Block 1012, Block 1013, Block 1014, Block 1015, Block 1017, Block 1018, Block 1021, Block 1022, Block 1023; Tract 204.01: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2033, Block 2034, Block 2035, Block 2036, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2056, Block 2063, Block 2999; Precinct 08, Precinct 09, Precinct 10, Precinct 13, Precinct 23: Tract 206: Block Group 4: Block 4051; Precinct 25: Tract 206: Block Group 4: Block 4036; Precinct 34, Precinct 36, Precinct 43 of Union County.

Precinct boundaries as used in this section for Vance County are those shown on maps on file with the Legislative Services Office on May 1, 1991, for Union County, are those shown on the Legislative Services Office's redistricting computer database on January 1, 2005; and for other counties are those reported by the United States Bureau of the Census under Public Law 94-171 for the 1990 Census in the IVTD Version of the TIGER files."

SECTION 93.(b) This section becomes effective December 1, 2005, or the date upon which Section 14.2(f) of S.L. 2005-276 is approved under section 5 of the Voting Rights Act of 1965, whichever is later.

SECTION 93.(c) If House Bill 198, 2005 Regular Session, becomes law, this section is repealed.

SECTION 94.(a) Section 5 of S.L. 2005-305 is repealed.

SECTION 94.(b) The Town of Matthews may adopt ordinances, only after holding public hearings, to regulate the removal of trees from public and private property within the town in order to preserve, protect, and enhance one of the most valuable natural resources of the community and to protect the health, safety, and welfare of its citizens.

SECTION 95. G.S. 18B-101(9), as amended by Section 1 of S.L. 2005-277, reads as rewritten:

"(9) 'Malt beverage' means beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage except unfortified or fortified wine as defined by this Chapter, containing at least one-half of one percent (0.5%), and not

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more than fifteen percent (15%), alcohol by volume. Any malt beverage containing more than six percent (6%) alcohol by volume shall bear a label clearly indicating the alcohol content of the malt beverage."

SECTION 96.5. If House Bill 706, 2005 Regular Session, becomes law, then Section 1 of S.L. 2005-198 is repealed.

SECTION 97. Section 6 of S.L. 2005-389 reads as rewritten:

"**SECTION 6.** Section 1 of this act becomes effective ~~July 1, 2007~~ January 1, 2007. The remainder of the act is effective 90 days after it becomes law."

SECTION 98. Section 4 of S.L. 2005-360 is repealed.

SECTION 98.1. G.S. 20-45(c), as amended by Section 2.1 of S.L. 2006-105, reads as rewritten:

"(c) Any sworn law enforcement officer with ~~jurisdiction~~ jurisdiction, including a member of the State Highway Patrol, is authorized to seize the certificate of title, registration card, permit, license, or registration plate, if the officer has electronic or other notification from the Division that the item has been revoked or cancelled, or otherwise has probable cause to believe that the item has been revoked or cancelled under any law or statute, including G.S. 20-309(e). If a criminal proceeding relating to the item is pending, the law enforcement officer in possession of that item shall retain the item pending the entry of a final judgment by a court with jurisdiction. If there is no criminal proceeding pending, the law enforcement officer shall deliver the item to the Division."

SECTION 98.3. Part 2J of Article 10 of Chapter 143B of the General Statutes reads as rewritten:

"Part 2J. Wine and Grape Growers Council.

"§ 143B-437.90. **North Carolina Wine and Grape Growers Council – Creation; powers and duties.**

There is created the North Carolina Wine and Grape Growers Council of the Department of Commerce. The North Carolina Wine and Grape Growers Council shall have the following powers and duties:

....

"§ 143B-437.91. **North Carolina Wine and Grape Growers Council – Composition; terms; reimbursement.**

(a) The North Carolina Wine and Grape Growers Council shall consist of 11 members appointed by the Secretary of Commerce in the following manner: seven commercial grape growers; three winery operators; and one retailer of North Carolina grape products. For purposes of this Article, a commercial grape grower is one who has at least three acres of grapes or sells ten thousand dollars (\$10,000) worth of grapes annually. The Secretary shall appoint members for staggered four-year terms. Members shall serve until their successors are appointed and qualified. Any member of the Council may be reappointed for additional terms. Any appointment to fill a vacancy on the Council shall be for the balance of the unexpired term. Any member of the Council may be removed by the Secretary for misfeasance, malfeasance, or nonfeasance."

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SECTION 98.3.(b) G.S. 105-113.81A reads as rewritten:

"§ 105-113.81A. Distribution of part of wine taxes attributable to North Carolina wine.

The Secretary shall on a quarterly basis credit to the Department of Commerce the net proceeds of the excise tax collected on unfortified wine bottled in North Carolina during the previous quarter and the net proceeds of the excise tax collected on fortified wine bottled in North Carolina during the previous quarter, except that the amount credited to the Department of Commerce under this section shall not exceed five hundred thousand dollars (\$500,000) per fiscal year. The Department of Commerce shall allocate the funds received under this section to the North Carolina Wine and Grape Growers Council to be used to promote the North Carolina grape and wine industry and to contract for research and development services to improve viticultural and enological practices in North Carolina. Any funds credited to the Department of Commerce under this section that are not expended by June 30 of any fiscal year may not revert to the General Fund, but shall remain available to the Department for the uses set forth in this section."

SECTION 98.5.(a) G.S. 130A-309.10 is amended by adding a new subsection to read:

"(l) Oyster shells that are delivered to a landfill shall be stored at the landfill for at least 90 days or until they are removed for recycling. If oyster shells that are stored at a landfill are not removed for recycling within 90 days of delivery to the landfill, then, notwithstanding subdivision (12) of subsection (f) of this section, the oyster shells may be disposed of in the landfill."

SECTION 98.5.(b) G.S. 130A-309.10(l), as enacted by subsection (a) of this section, becomes effective 1 January 2007.

SECTION 98.5.(c) Section 4 of S.L. 2005-362 is rewritten to read:

"SECTION 4. Sections 1, 2, and 3 of this act become effective 1 October 2009 except that G.S. 130A-309.10(f)(12), as enacted by Section 2 of this act, becomes effective 1 January 2007. Section 4 of this act becomes effective 1 January 2007."

SECTION 99. G.S. 14-112.2(c), as enacted by Section 2 of S.L. 2005-272, reads as rewritten:

"(c) It is unlawful for a person, who knows or reasonably should know that an elder adult or disabled adult lacks the capacity to consent, to obtain or use, endeavor to obtain or use, or conspire with another to obtain or use an elder adult's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elder adult or disabled adult of the use, benefit, or possession of the funds, assets, or property, or benefit someone other than the elder adult or disabled adult. This subsection shall not apply to a person acting within the scope of ~~their~~ that person's lawful authority as the agent for the elder adult or disabled adult."

SECTION 99.4.(a) G.S. 120-47.7B, as enacted in Section 1 of S.L. 2005-456, is amended by adding a new subsection to read:

"(d) Any person, when in doubt about the applicability and interpretation of this Article in a particular context, may submit in writing the

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facts of the situation to the Secretary of State with a request for a written opinion to establish the standard of duty regarding compliance with this Article. Any such opinion so issued shall specifically refer to this subsection. No person shall be subject to prosecution or civil action for failure to comply with this Article if the person has relied upon and complied with a written opinion issued by the Secretary of State under this subsection."

SECTION 99.4.(c) G.S. 147-54.39, as enacted in Section 2 of S.L. 2005-456, is amended by adding a new subsection to read:

"(d) Any person, when in doubt about the applicability and interpretation of this Article in a particular context, may submit in writing the facts of the situation to the Secretary of State with a request for a written opinion to establish the standard of duty regarding compliance with this Article. Any such opinion so issued shall specifically refer to this subsection. No person shall be subject to prosecution or civil action for failure to comply with this Article if the person has relied upon and complied with a written opinion issued by the Secretary of State under this subsection."

SECTION 99.4.(d) G.S. 147-54.41(d), as enacted in Section 2 of S.L. 2005-456, reads as rewritten:

"(d) If the person granting the scholarship in subsection (c) of this section is outside North Carolina, the ~~covered person or legislative employee executive branch officer~~ accepting the scholarship shall be responsible for filing the report."

SECTION 99.4.(e) G.S. 147-54.41(e)(2), as enacted in Section 2 of S.L. 2005-456, reads as rewritten:

"(e) This section shall not apply to any of the following:

...

(2) Any gift from a family member to ~~a covered person or legislative employee~~ an executive branch officer."

SECTION 99.4.(f) This section becomes effective January 1, 2007.

SECTION 99.4.(g) This section is only effective if House Bill 1842, 2005 Regular Session, is not enacted.

SECTION 99.5.(a) Subsection (a) of Section 3 of S.L. 2005-462 is rewritten to read:

"(a) A manufacturing redevelopment district may be established on any parcel or tract of land or on any combination of contiguous parcels or tracts of land as provided in this section. To establish a manufacturing redevelopment district, the new operator of the manufacturing facilities located within the boundaries of the district shall certify to the Secretary of State that the district meets all of the criteria set out in this section. The certification shall describe the boundaries of the district by metes and bounds and shall set out the specific financial mechanism that guarantees completion of the assessment and remediation program as required under subdivision (8) of subsection (b) of this section. The district shall be considered to be established as a manufacturing redevelopment district on the date the Secretary of State approves the certification. The Secretary of State shall approve the certification if the new

operator provides sufficient documentation that the new operator has met each of the criteria set out in subsection (b) of this section. Once established, a manufacturing redevelopment district shall continue to exist until title to the real property comprising the district is transferred to the State as provided in Section 7 of this act."

SECTION 99.5.(b) Sub-subdivision b. of subdivision (7) of subsection (b) of Section 3 of S.L. 2005-462 is rewritten to read:

"b. Accepted responsibility for assessment and remediation of known and unknown environmental conditions on the property that comprises the manufacturing redevelopment district to standards approved by the Department of Environment and Natural Resources in accordance with this act and other applicable environmental laws, regulations, and rules."

SECTION 99.5.(c) Subdivision (8) of subsection (b) of Section 3 of S.L. 2005-462 is rewritten to read:

"(8) The new operator provides financial assurance, acceptable to the Department of Environment and Natural Resources, for the fulfillment of the requirements set out in sub-subdivisions b. and c. of subdivision (7) of subsection (b) of this section. The financial assurance shall include a prefunded escrow account or other financing mechanism, in an amount not less than five million dollars (\$5,000,000), that runs in favor of the State in the event of a default. The establishment of the prefunded account shall not relieve the new operator of its obligation to comply with applicable federal and State laws, regulations, and rules, and shall not be construed to alter the authority of the Department of Environment and Natural Resources to enforce the requirements of applicable federal and State laws, regulations, and rules. The Department of Environment and Natural Resources shall: (i) review the financial assurance contemplated by this act in light of reasonably available financial assurance and guaranteed remediation products and in light of known and reasonably anticipated unknown environmental conditions at the manufacturing redevelopment district, and (ii) approve or disapprove the financial assurance within 45 days after the new operator submits a complete financial assurance proposal, including copies of the proposed financial assurance instrument or mechanism, to the Department of Environment and Natural Resources. The requirement that the financial assurance is acceptable to the Department of Environment and Natural Resources shall

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be waived if the Department of Environment and Natural Resources does not complete its review within the 45-day period. The 45-day review period may be extended if the new operator and the Department of Environment and Natural Resources mutually agree to the extension."

SECTION 99.5.(d) Subsection (a) of Section 4 of S.L. 2005-462 is rewritten to read:

"(a) No person who owned or had an interest in any real property within a manufacturing redevelopment district at any time prior to the establishment of the district shall be liable to any private or third party for civil claims arising out of the presence of oil, a hazardous substance, or a hazardous waste on the real property if the cause of action arose after transfer of the property to the new operator under this act, regardless of when the oil, hazardous substance, or hazardous waste was brought to or discovered at the site. The qualified immunity provided by this section shall attach at the time that the Secretary of State approves certification of the manufacturing redevelopment district or at the time that the real property comprising the manufacturing redevelopment district is transferred to the new operator, whichever occurs later. The qualified immunity provided by this section is with respect to any theory of legal liability, including, but not limited to, any claim of negligence, nuisance, or trespass, or arising under other common law principles, or arising under any State statute or rule, including, but not limited to, Article 9 of Chapter 130A of the General Statutes, Articles 21 and 21A of Chapter 143 of the General Statutes, and rules adopted pursuant to those Articles. The qualified immunity provided by this section shall continue in effect after the termination of the manufacturing redevelopment district."

SECTION 99.5.(e) Section 6 of S.L. 2005-462 is rewritten to read:

"SECTION 6. Manufacturing redevelopment districts: transfer of property to a subsequent manufacturer.

The new operator or its successor in interest shall not transfer the property comprising the manufacturing redevelopment district to any person, including without limitation any corporate affiliate of the new operator, until the Secretary of State certifies that the person has met all of the requirements applicable to a new operator under subdivisions (7), (8), and (9) of subsection (b) of Section 3 of this act."

SECTION 99.5.(f) Subsection (a) of Section 7 of S.L. 2005-462 is rewritten to read:

"(a) The local government entity to which the real property comprising the manufacturing redevelopment district is transferred pursuant to subdivision (9) of subsection (b) of Section 3 of this act shall accept title to the real property and shall immediately transfer title to the new operator. The consideration for the transfer by the local government entity of title to the new operator shall be the creation of jobs and economic opportunities that will result from restarting manufacturing operations on the real property."

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SECTION 99.5(g) Section 8 of S.L. 2005-462 is rewritten to read:

"**SECTION 8.** This act is effective when it becomes law. If the Secretary of State has not approved at least one certification by a new operator of a manufacturing facility that is required to establish a manufacturing redevelopment district as provided in subsection (a) of Section 3 of this act prior to 1 September 2008, then this act will expire on 1 September 2008."

SECTION 100. G.S. 18B-1006(p) reads as rewritten:

"(p) The Commission shall issue a special occasion permit under G.S. 18B-1001(8) to a mixed beverage permittee in 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). A mixed beverage permittee who holds a permit shall provide mixed beverage tax paid spirituous liquor for resale by the container in approved sizes of no larger than 750 milliliters to the host or patron of the suite. This subsection 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 101.9. Section 13 of S.L. 2005-305 is amended by adding the following at the end: "Sections 4.1 and 4.2 of this act are effective when they become law."

SECTION 102.(a) The Department of Labor shall adopt rules in connection with its requirements regarding fall protection for tower climbers as follows:

- (1) With regard to employer-provided rescue procedures, employers must ensure that at least two trained and designated rescue employees are on-site when employees are working at heights over six feet on the tower, except that where only two employees are on-site, then an employer may comply with this requirement if one employee is a trained and designated rescue employee and one employee has been employed for less than nine months and has received documented orientation from the employer outlining steps to take in an emergency.
- (2) With regard to third-party-provided rescue procedures, the employer must obtain verification from the third-party rescue service that the service is able to respond to a rescue summons in a timely manner and that the service is proficient in rescue-related tasks and equipment needed to rescue climbers from elevated heights on communication

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structures. The employer must also provide the selected third-party rescue service with contact information regarding the tower site and allow the service to conduct whatever preparation for rescue it deems necessary.

SECTION 102.(b) Notwithstanding G.S. 150B-21.1(a), the Department of Labor may adopt the rules provided for by this section as temporary rules within 270 days after the effective date of this act.

PART III. EFFECTIVE DATE

SECTION 103. Except as otherwise provided, this act is effective when it becomes law.

Upon motion of Senator Clodfelter, 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 Soles for the **Commerce 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, 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 50780, which changes the title upon concurrence to read **H.B. 859** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADOPTION OR AMENDMENT OF A TRANSPORTATION CORRIDOR OFFICIAL MAP BY THE WILMINGTON URBAN AREA MPO, 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 26, 2006

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. 1862**, A BILL TO

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BE ENTITLED AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS, TO REQUIRE THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENTS.

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. 1862, on July 20, 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:

H.B. 2147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO USE EXISTING PLANS FOR STATE CONSTRUCTION PROJECTS WHERE FEASIBLE.

Referred to the **Commerce Committee**.

CONFERENCE REPORT

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1825**, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEPARTMENT OF TRANSPORTATION SECONDARY ROAD CONSTRUCTION FORMULA, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, 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 1825, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEPARTMENT OF TRANSPORTATION SECONDARY ROAD CONSTRUCTION FORMULA, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, submit the following report:

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The Senate recedes from amendment #1, and the House and Senate agree to the following amendments:

on page 1, lines 1-16, by rewriting those lines to read:

"A BILL TO BE ENTITLED

AN ACT TO DELAY IMPLEMENTATION OF THE REVISED SECONDARY ROAD FORMULA TO JULY 1, 2007; TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PAVE SECONDARY ROADS ON A REDUCED RIGHT-OF-WAY, IF THE DIVISION ENGINEER DETERMINES IT CAN BE DONE SAFELY; TO REQUIRE THAT THE DEPARTMENT OF TRANSPORTATION, BEGINNING IN THE 2006-2007 FISCAL YEAR AND UNTIL THE 2009-2010 FISCAL YEAR, SET ASIDE UP TO FIVE MILLION DOLLARS TO PAY FOR THE PAVING OF ANY UNPAVED SECONDARY ROAD THAT HAD PREVIOUSLY BEEN DETERMINED TO BE INELIGIBLE FOR PAVING; AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE COST OF PAVING AND MAINTENANCE OF PAVED AND UNPAVED SECONDARY ROADS IN DIFFERENT GEOGRAPHIC AREAS OF THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2005-404 reads as rewritten:

"**SECTION 4.** This act becomes effective July 1, ~~2006-2007.~~"

SECTION 2. G.S. 136-44.5(b) reads as rewritten:

"(b) The first sixty-eight million six hundred seventy thousand dollars (\$68,670,000) shall be allocated as follows: Each county shall receive a percentage of these funds, the percentage to be determined as a factor of the number of miles of paved and unpaved State-maintained secondary roads in the county divided by the total number of miles of paved and unpaved State-maintained secondary roads in the State, excluding those unpaved secondary roads that have been determined to be eligible for paving as defined in subsection (a) of this section. Beginning in fiscal year 2010-2011, allocations pursuant to this subsection shall be based on the total number of secondary miles in a county in proportion to the total State-maintained secondary road mileage."

SECTION 3. G.S. 136-82 reads as rewritten:

"**§ 136-182. Supplement for secondary road construction.**

Funds are allocated from the Trust Fund to increase allocations for secondary road construction made under G.S. 136-44.2A so that all State-maintained unpaved secondary roads with a traffic vehicular equivalent of at least 50 vehicles a day can be paved by the 2009-2010 fiscal year. If all the State-maintained roads in a county have been paved under G.S. 136-44.7, except those that have unavailable rights-of-way or for which environmental permits cannot be approved to allow for paving, then the funds may be used for safety improvements on the paved or unpaved secondary roads in that county.

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The Department shall make every effort to acquire right-of-way for the purpose of paving unpaved State secondary roads included in the annual secondary road program. The Division Engineer is authorized to reduce the width of a right-of-way to less than 60 feet to pave an unpaved secondary road with the allocated funds, provided that in all circumstances the safety of the public is not compromised and the minimum accepted design practice is satisfied."

SECTION 4. G.S. 136-182, as amended by S.L. 2005-404, and as amended by Section 1 and 2 of this act, reads as rewritten:

"§ 136-182. Supplement for secondary road improvement.

Funds are allocated from the Trust Fund to increase allocations for secondary road improvement made under G.S. 136-44.2A so that all State-maintained unpaved secondary roads eligible for paving pursuant to G.S. 136-44.5(a) can be paved by the 2009-2010 fiscal year.

Allocations of these funds shall be based on the percentage proportion of the number of miles in the county of State-maintained unpaved secondary roads that are eligible to be paved under G.S. 136-44.5(a) bears to the total number of miles in the State of State-maintained unpaved secondary roads that are eligible to be paved.

As an exception to the formula for the allocation of these funds, the Department ~~may, shall~~, beginning in the 2006-2007 fiscal year and until the 2009-2010 fiscal year, set aside up to five million dollars (\$5,000,000) to pay for the paving of any unpaved secondary road that had previously been determined to be ineligible for paving.

Beginning in fiscal year 2010-2011, allocations from the Trust Fund shall be based on the total number of secondary miles in a county in proportion to the total State-maintained secondary road mileage.

The Department shall make every effort to acquire right of way for the purpose of paving unpaved State secondary roads included in the annual secondary road program. The Division Engineer is authorized to reduce the width of a right of way to less than 60 feet to pave an unpaved secondary road with the allocated funds, provided that in all circumstances the safety of the public is not compromised and the minimum accepted design practice is satisfied."

SECTION 5. The Joint Legislative Transportation Oversight Committee shall conduct a study of the cost of paving and maintenance of both paved and unpaved secondary roads in different geographic areas of the State. The Committee shall complete its report by March 1, 2007.

SECTION 6. Sections 2 and 4 of this act become effective July 1, 2007. The remainder of this act is effective when it becomes law."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 26, 2006.

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Conferees for the Senate

S/Clark Jenkins, Chair
S/Martin L. Nesbitt, Jr.
David W. Hoyle
S/Tom Apodaca

Conferees for the House of Representatives

S/Nelson Cole, Chair
S/Drew Saunders
S/Bonner L. Stiller

Upon motion of Senator Jenkins, the rules are suspended and the Conference Report, which changes the title, is placed on today's Calendar for adoption.

CONFERENCE REPORT

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1381** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO CONVERT A PORTION OF INTERSTATE 540 UNDER CONSTRUCTION IN WAKE AND DURHAM COUNTIES TO A TOLL FACILITY, TO REQUIRE REIMBURSEMENT FOR THE CONVERSION, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS, 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 1381, A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO CONVERT A PORTION OF INTERSTATE 540 UNDER CONSTRUCTION IN WAKE AND DURHAM COUNTIES TO A TOLL FACILITY, TO REQUIRE REIMBURSEMENT FOR THE CONVERSION, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS, House Committee Substitute Favorable 7/13/06, Fourth Edition Engrossed 7/18/06, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute Favorable 7/13/06, Fourth Edition Engrossed 7/18/06, and the Senate concurs in the House Committee Substitute as amended:

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Delete the entire House Committee Substitute and substitute the attached proposed Conference Committee Substitute S1381-PCCS75574-RW-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 26, 2006.

Conferees for the Senate

S/Clark Jenkins, Chair
S/Richard Stevens
S/Vernon Malone

Conferees for the House of Representatives

S/Nelson Cole, Chair
S/Jennifer Weiss
S/Grier Martin
S/Lorene Coates
Drew Saunders

The text of the attached Proposed Conference Committee Substitute, S1381-PCCS75574-RW-3 is as follows:

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO CONVERT A PORTION OF INTERSTATE 540 UNDER CONSTRUCTION IN WAKE AND DURHAM COUNTIES TO A TOLL FACILITY, TO CLARIFY WHICH PROJECTS THE TURNPIKE AUTHORITY IS AUTHORIZED TO CONSTRUCT, TO REQUIRE LEGISLATIVE APPROVAL FOR ADDITIONAL TURNPIKE AUTHORITY CONSTRUCTION PROJECTS, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

SECTION 2. Article 6G of Chapter 136 of the General Statutes is repealed.

SECTION 3. G.S. 136-89.187 reads as rewritten:

"§ 136-89.187. Conversion of free highways prohibited.

The Authority Board is prohibited from converting any segment of the nontolled State Highway System to a toll ~~facility-facility~~, except for a segment of Interstate 540 under construction as of July 1, 2006, located in Wake and Durham Counties, and extending from I-40 southwest to N.C. 55. No segment may be converted to a toll route pursuant to this section unless first approved by the Metropolitan Planning Organization (MPO) or Rural Planning Organization (RPO) of the area in which that segment is located."

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SECTION 4. G.S. 136-89.188 reads as rewritten:**"§ 136-89.188. Use of revenues.**

(a) Revenues derived from Turnpike Projects authorized under this Article shall be used only for Authority administration costs; Turnpike Project development, right-of-way acquisition, construction, operation, and maintenance; and debt service on the Authority's revenue bonds or related purposes such as the establishment of debt service reserve funds.

(b) The Authority may use up to one hundred percent (100%) of the revenue derived from a Turnpike Project for debt service on the Authority's revenue bonds or for a combination of debt service and operation and maintenance expenses of the Turnpike Projects.

(c) The Authority shall use not more than five percent (5%) of total revenue derived from all Turnpike Projects for Authority administration costs.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, toll revenues generated from a converted segment of the State highway system previously planned for operation as a nontoll facility shall only be used for the funding or financing of the right-of-way acquisition, construction, expansion, operations, maintenance, and Authority administration costs associated with the converted segment or a contiguous toll facility."

SECTION 5. G.S. 136-89.183 (a)(2) reads as rewritten:

"(2) To study, plan, develop, and undertake preliminary design work on up to nine Turnpike Projects. At the conclusion of these activities, the Turnpike Authority is authorized to design, establish, purchase, construct, operate, and maintain ~~up to nine Turnpike Projects. One of the Turnpike Projects shall be located in whole or in part in a county with a population equal to or greater than 650,000 persons, according to the latest decennial census, and one Turnpike Project shall be located in a county or counties that each have a population of fewer than 650,000 persons, according to the latest decennial census. One of the Turnpike Projects shall be a bridge of more than two miles in length going from the mainland to a peninsula bordering the State of Virginia.~~ the following projects:

- a. Triangle Parkway.
- b. Gaston East-West Connector.
- c. Monroe Connector.
- d. Cape Fear Skyway.
- e. A bridge of more than two miles in length going from the mainland to a peninsula bordering the State of Virginia.
- f. I-540 in Wake and Durham Counties.

Any other project proposed by the Authority in addition to the projects listed in this subdivision must be approved by the General Assembly prior to construction.

A Turnpike Project selected for construction by the Turnpike Authority shall be included in any applicable locally adopted comprehensive transportation plans and shall be shown in the current State Transportation Improvement Plan prior to the letting of a contract for the Turnpike Project."

SECTION 6. G.S. 136-89.194 is amended by adding a new subsection to read:

"(d) Entry for Surveys. – The Turnpike Authority and its employees and contractors shall have the same right of entry for surveys, borings, soundings, or examinations as granted the Department of Transportation in G.S. 136-120."

SECTION 7. This act is effective when it becomes law.

Upon motion of Senator Jenkins, the rules are suspended and the Conference Report, which changes the title, is placed on today's Calendar for adoption.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 927 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DECLINE TO ACCEPT A NUTRIENT OFFSET PAYMENT FOR PHOSPHOROUS FOR THE TAR-PAMLICO RIVER BASIN IF THE DEPARTMENT FINDS THAT THE PAYMENT IS NOT SUFFICIENT TO COVER THE FULL COSTS OF NUTRIENT REDUCTION MEASURES NEEDED TO COMPLY WITH THE NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for today, July 26, for concurrence.

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

S.B. 602 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, placed earlier on today's Calendar for adoption.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (41-6).

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The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1048 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE: (1) IMPROVED DETECTION OF IMPAIRED DRIVERS ON THE STATE'S ROADS AND HIGHWAYS; (2) IMPROVED METHODS OF DETERMINING HOW UNDERAGE DRIVERS OBTAIN ALCOHOL; (3) PROCEDURES FOR INVESTIGATING, ARRESTING, CHARGING, AND JUDICIAL PROCESSING OF IMPAIRED DRIVING OFFENSES; (4) RULES FOR THE COURTROOM ADMISSION OF EVIDENCE THAT IS RELEVANT TO IMPAIRED DRIVING OFFENSES; (5) CLARIFICATION ON WHEN A DRIVER IS GUILTY OF DRIVING WHILE IMPAIRED; (6) AGGRAVATED PENALTIES FOR OFFENDERS WHO SERIOUSLY INJURE OR KILL WHEN DRIVING WHILE IMPAIRED; (7) A SYSTEM OF REPORTING BY STATE PROSECUTORS AND THE COURTS ON THE DISPOSITION OF IMPAIRED DRIVING OFFENSES; (8) ELECTRONIC MONITORING AFTER AN IMPAIRED DRIVER HAS BEEN RELEASED FROM CONFINEMENT; (9) FOR THE SEIZURE AND FORFEITURE OF THE VEHICLE WHERE A PERSON IS DRIVING WHILE IMPAIRED WITHOUT A LICENSE OR INSURANCE; (10) OTHER MEASURES DESIGNED TO IMPROVE THE SAFETY OF THE MOTORING PUBLIC OF NORTH CAROLINA; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS "THE MOTOR VEHICLE DRIVER PROTECTION ACT OF 2006", placed earlier on today's Calendar for adoption.

Upon motion of Senator Rand, the Senate adopts the Conference Report (47-1).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Swindell for 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, 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 30640, is adopted and engrossed.

Upon motion of Senator Swindell, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

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CALENDAR *(continued)*

H.B. 1825 (Conference Report), A BILL TO BE ENTITLED AN ACT TO DELAY IMPLEMENTATION OF THE REVISED SECONDARY ROAD FORMULA TO JULY 1, 2007; TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PAVE SECONDARY ROADS ON A REDUCED RIGHT-OF-WAY, IF THE DIVISION ENGINEER DETERMINES IT CAN BE DONE SAFELY; TO REQUIRE THAT THE DEPARTMENT OF TRANSPORTATION, BEGINNING IN THE 2006-2007 FISCAL YEAR AND UNTIL THE 2009-2010 FISCAL YEAR, SET ASIDE UP TO FIVE MILLION DOLLARS TO PAY FOR THE PAVING OF ANY UNPAVED SECONDARY ROAD THAT HAD PREVIOUSLY BEEN DETERMINED TO BE INELIGIBLE FOR PAVING; AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE COST OF PAVING AND MAINTENANCE OF PAVED AND UNPAVED SECONDARY ROADS IN DIFFERENT GEOGRAPHIC AREAS OF THE STATE, placed earlier on today's Calendar for adoption.

Upon motion of Senator Jenkins, the Senate adopts the Conference Report (43-5).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 1381 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO CONVERT A PORTION OF INTERSTATE 540 UNDER CONSTRUCTION IN WAKE AND DURHAM COUNTIES TO A TOLL FACILITY, TO CLARIFY WHICH PROJECTS THE TURNPIKE AUTHORITY IS AUTHORIZED TO CONSTRUCT, TO REQUIRE LEGISLATIVE APPROVAL FOR ADDITIONAL TURNPIKE AUTHORITY CONSTRUCTION PROJECTS, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS, placed earlier on today's calendar for adoption..

Upon motion of Senator Jenkins, the Senate adopts the Conference Report (46-2).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 859 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADOPTION OR AMENDMENT OF A TRANSPORTATION CORRIDOR OFFICIAL MAP BY THE WILMINGTON URBAN AREA MPO, 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 for concurrence in the Senate Committee Substitute bill.

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S.B. 927 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DECLINE TO ACCEPT A NUTRIENT OFFSET PAYMENT FOR PHOSPHOROUS FOR THE TAR-PAMLICO RIVER BASIN IF THE DEPARTMENT FINDS THAT THE PAYMENT IS NOT SUFFICIENT TO COVER THE FULL COSTS OF NUTRIENT REDUCTION MEASURES NEEDED TO COMPLY WITH THE NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill No. 2.

Without objection, Senator Pittenger and Senator Smith request to be excused from voting on the House Committee Substitute bill No. 2 due to a conflict of interest.

Upon motion of Senator Clodfelter, 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. 1155 (Senate 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, placed earlier on today's Calendar.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 134 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO DISPOSE OF CERTAIN PROPERTY BY PRIVATE SALE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Calendar for concurrence.

S.B. 522 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A RECIPROCAL PREFERENCE FOR NORTH CAROLINA FIRMS PROVIDING ARCHITECTURAL, ENGINEERING, SURVEYING, AND CONSTRUCTION MANAGEMENT AT RISK SERVICES FOR PUBLIC PROJECTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Calendar for concurrence.

S.B. 2051 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE ENERGY, FUEL, AND WATER CONSUMPTION IN

THE STATE THROUGH: (1) DEVELOPMENT OF A PLAN TO INCREASE THE AVAILABILITY AND USE OF ALTERNATIVE FUELS IN STATE-OWNED VEHICLE FLEETS; (2) PROVISION OF ENERGY ASSISTANCE TO LOW-INCOME PERSONS; (3) DEVELOPMENT OF A STRATEGIC PLAN TO EXPAND THE BIOFUELS INDUSTRY IN NORTH CAROLINA; AND (4) STUDY MECHANISMS TO IMPROVE ENERGY AND WATER CONSERVATION IN STATE-OWNED FACILITIES, for concurrence in House Amendments No. 1 and No. 2.

The Committee Substitute bill No. 2, as amended, is placed on the Calendar for tomorrow, Thursday, July 27, for concurrence.

CALENDAR *(continued)*

S.B. 134 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO DISPOSE OF CERTAIN PROPERTY BY PRIVATE SALE, placed earlier on today's Calendar for concurrence.

Upon motion of Senator Allran, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled.

S.B. 522 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A RECIPROCAL PREFERENCE FOR NORTH CAROLINA FIRMS PROVIDING ARCHITECTURAL, ENGINEERING, SURVEYING, AND CONSTRUCTION MANAGEMENT AT RISK SERVICES FOR PUBLIC PROJECTS, placed earlier on today's Calendar for concurrence in the.

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 by special message.

CONFERENCE REPORTS FOR SENATE BILLS ADOPTED BY THE HOUSE

Upon motion of Senator Rand and without objection, if a message from the House of Representatives is read today that the House of Representatives has adopted a conference report for a Senate Bill and the Senate has previously adopted the conference report, the bill is considered ordered enrolled and sent to the Governor by special message, if applicable.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 26, 2006

July 26, 2006

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. 602**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

When a similar action has been taken on the part of the Senate, 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. 602, earlier today, the President orders the bill enrolled and sent to the Governor by special message.

DISMISSAL OF CONFEREES

S.B. 1199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES OF VARIOUS CITIES AND TOWNS TO USE ALL-TERRAIN VEHICLES ON THE PUBLIC STREETS AND HIGHWAYS IN THOSE CITIES AND TOWNS, AND AFFECTING ABANDONED AND JUNKED VEHICLES IN CERTAIN CITIES AND TOWNS.

Without objection, Senator Rand offers a motion that the Senate Conferees appointed on July 17 to resolve the differences in the House Committee Substitute bill be dismissed, which motion prevails.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute is placed before the Senate for immediate consideration.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate failed to concur in the House Committee Substitute bill be reconsidered which motion prevails. The question before the Body becomes the concurrence in the House Committee Substitute bill for S.B. 1199.

Upon motion of Senator Garwood, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 7:19 P.M. to reconvene at 8:45 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
July 26, 2006

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. 1381**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO CONVERT A PORTION OF INTERSTATE 540 UNDER CONSTRUCTION IN WAKE AND DURHAM COUNTIES TO A TOLL FACILITY, TO CLARIFY WHICH PROJECTS THE TURNPIKE AUTHORITY IS AUTHORIZED TO CONSTRUCT, TO REQUIRE LEGISLATIVE APPROVAL FOR ADDITIONAL TURNPIKE AUTHORITY CONSTRUCTION PROJECTS, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS.

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. 1381, 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
July 26, 2006

July 26, 2006

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. 1048**, A BILL TO BE ENTITLED AN ACT TO PROVIDE: (1) IMPROVED DETECTION OF IMPAIRED DRIVERS ON THE STATE'S ROADS AND HIGHWAYS; (2) IMPROVED METHODS OF DETERMINING HOW UNDERAGE DRIVERS OBTAIN ALCOHOL; (3) PROCEDURES FOR INVESTIGATING, ARRESTING, CHARGING, AND JUDICIAL PROCESSING OF IMPAIRED DRIVING OFFENSES; (4) RULES FOR THE COURTROOM ADMISSION OF EVIDENCE THAT IS RELEVANT TO IMPAIRED DRIVING OFFENSES; (5) CLARIFICATION ON WHEN A DRIVER IS GUILTY OF DRIVING WHILE IMPAIRED; (6) AGGRAVATED PENALTIES FOR OFFENDERS WHO SERIOUSLY INJURE OR KILL WHEN DRIVING WHILE IMPAIRED; (7) A SYSTEM OF REPORTING BY STATE PROSECUTORS AND THE COURTS ON THE DISPOSITION OF IMPAIRED DRIVING OFFENSES; (8) ELECTRONIC MONITORING AFTER AN IMPAIRED DRIVER HAS BEEN RELEASED FROM CONFINEMENT; (9) FOR THE SEIZURE AND FORFEITURE OF THE VEHICLE WHERE A PERSON IS DRIVING WHILE IMPAIRED WITHOUT A LICENSE OR INSURANCE; (10) OTHER MEASURES DESIGNED TO IMPROVE THE SAFETY OF THE MOTORING PUBLIC OF NORTH CAROLINA; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS "THE MOTOR VEHICLE DRIVER PROTECTION ACT OF 2006".

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

CONFERENCE REPORT

Senator Boseman, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1896** (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) CRIMINALIZE FALSE STATEMENTS TO THE STATE BUREAU OF INVESTIGATION; (5) AUTHORIZE THE DEPARTMENT OF CORRECTION

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TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (6) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (7) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (8) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; AND (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS BY THE DIVISION OF MOTOR VEHICLES, AND SHALL BE KNOWN AS SEX OFFENDER REGISTRATION CHANGES/JESSICA'S LAW, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1896, A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) CRIMINALIZE FALSE STATEMENTS TO THE STATE BUREAU OF INVESTIGATION; (5) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (6) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (7) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (8) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; AND (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS BY THE DIVISION OF MOTOR VEHICLES, AND SHALL BE KNOWN AS SEX OFFENDER REGISTRATION CHANGES/JESSICA'S LAW, Senate Judiciary I Committee Substitute #3 Adopted 7/19/06, Seventh Edition Engrossed 7/20/06, submit the following report:

Delete the entire Senate Committee Substitute #3, Adopted 7/19/06, Seventh Edition Engrossed 7/20/06, and substitute the attached proposed Conference Committee Substitute H1896-PCCS60880-RKf-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 26, 2006.

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*Conferees for the Senate**Conferees for the House of Representatives*

S/Julia Boseman, Chair
 S/Daniel G. Clodfelter
 S/Tony Rand
 S/Richard Stevens
 S/Walter Dalton

S/Bruce Goforth, Chair
 S/Henry M. Michaux, Jr.
 S/Rick Glazier
 S/Karen B. Ray
 S/Jennifer Weiss

The text of the attached Proposed Conference Committee Substitute, H1896-PCCS60880-RKf-3 is as follows:

A BILL TO BE ENTITLED

AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (5) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (6) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (7) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; (8) TO MAKE IT A CLASS G FELONY FOR A SEX OFFENDER TO RESIDE WITHIN ONE THOUSAND FEET OF A PUBLIC OR NONPUBLIC SCHOOL OR A CHILD CARE CENTER; (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS BY THE DIVISION OF MOTOR VEHICLES; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS "AN ACT TO PROTECT NORTH CAROLINA'S CHILDREN/SEX OFFENDER LAW CHANGES."

The General Assembly of North Carolina enacts:

SECTION 1.(a) This act shall be known as "An Act To Protect North Carolina's Children/Sex Offender Law Changes."

SECTION 1.(b) G.S. 14-208.6(5) reads as rewritten:

"(5) 'Sexually violent offense' means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person who is 13-, 14-, or 15-years-old

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where the defendant is at least six years older), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), or G.S. 14-202.3 (Solicitation of child by computer to commit an unlawful sex act). The term also includes the following: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses."

SECTION 1.(c) Section 1(a) shall be effective when the act becomes law. The remainder of this section becomes effective December 1, 2006, and applies to offenses committed on or after that date.

SECTION 2.(a) G.S. 14-208.6A reads as rewritten:

"§ 14-208.6A. Lifetime registration requirements for criminal offenders.

It is the objective of the General Assembly to establish a 10-year registration requirement for persons convicted of certain offenses against minors or sexually violent offenses. It is the further objective of the General Assembly to establish a more stringent set of registration requirements for recidivists, persons who commit aggravated offenses, and for a subclass of highly dangerous sex offenders who are determined by a sentencing court with the assistance of a board of experts to be sexually violent predators.

To accomplish this objective, there are established two registration programs: the Sex Offender and Public Protection Registration Program and the Sexually Violent Predator Registration Program. Any person convicted of an offense against a minor or of a sexually violent offense as defined by this Article shall register in person as an offender in accordance with Part 2 of this Article. Any person who is a recidivist, who commits an aggravated offense, or who is determined to be a sexually violent predator shall register in person as such in accordance with Part 3 of this Article.

The information obtained under these programs shall be immediately shared with the appropriate local, State, federal, and out-of-state law enforcement officials and penal institutions. In addition, the information designated under G.S. 14-208.10(a) as public record shall be readily available to and accessible by the public. However, the identity of the victim is not public record and shall not be released as a public record."

SECTION 2.(b) This section becomes effective December 1, 2006.

SECTION 3.(a) G.S. 14-208.6B reads as rewritten:

"§ 14-208.6B. Registration requirements for juveniles transferred to and convicted in superior court.

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A juvenile transferred to superior court pursuant to G.S. 7B-2200 who is convicted of a sexually violent offense or an offense against a minor as defined in G.S. 14-208.6 shall register in person in accordance with this Article just as an adult convicted of the same offense must register."

SECTION 3.(b) This section becomes effective December 1, 2006.

SECTION 4.(a) Part 2 of Article 27A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-208.8A. Notification requirement for out-of-county employment if temporary residence established.

(a) Notice Required. – A person required to register under G.S. 14-208.7 shall notify the sheriff of the county with whom the person is registered of the person's place of employment and temporary residence, which includes a hotel, motel, or other transient lodging place, if the person meets both of the following conditions:

- (1) Is employed or carries on a vocation in a county in the State other than the county in which the person is registered for more than 10 business days within a 30-day period, or for an aggregate period exceeding 30 days in a calendar year, on a part-time or full-time basis, with or without compensation or government or educational benefit.
- (2) Maintains a temporary residence, including in that county for more than 10 business days within a 30-day period, or for an aggregate period exceeding 30 days in a calendar year.

(b) Time Period. – The notice required by subsection (a) of this section shall be provided within 72 hours after the person knows or should know that he or she will be working and maintaining a temporary residence in a county other than the county in which the person resides for more than 10 business days within a 30-day period, or within 10 days after the person knows or should know that he or she will be working and maintaining a temporary residence in a county other than the county in which the person resides for an aggregate period exceeding 30 days in a calendar year.

(c) Notice to Division. – Upon receiving the notice required under subsection (a) of this section, the sheriff shall immediately forward the information to the Division. The Division shall notify the sheriff of the county where the person is working and maintaining a temporary residence of the person's place of employment and temporary address in that county."

SECTION 4.(b) This section becomes effective June 1, 2007.

SECTION 5.(a) G.S. 14-208.7 reads as rewritten:

"§ 14-208.7. Registration.

(a) A person who is a State resident and who has a reportable conviction shall be required to maintain registration with the sheriff of the county where the person resides. If the person moves to North Carolina from outside this State, the person shall register within 10 days of establishing

residence in this State, or whenever the person has been present in the State for 15 days, whichever comes first. If the person is a current resident of North Carolina, the person shall register:

- (1) Within 10 days of release from a penal institution or arrival in a county to live outside a penal institution; or
- (2) Immediately upon conviction for a reportable offense where an active term of imprisonment was not imposed.

Registration shall be maintained for a period of at least 10 years following the date of initial county registration.~~release from a penal institution. If no active term of imprisonment was imposed, registration shall be maintained for a period of 10 years following each conviction for a reportable offense.~~

(a1) A person who is a nonresident student or a nonresident worker and who has a reportable conviction, or is required to register in the person's state of residency, is required to maintain registration with the sheriff of the county where the person works or attends school. In addition to the information required under subsection (b) of this section, the person shall also provide information regarding the person's school or place of employment as appropriate and the person's address in his or her state of residence.

(b) The Division shall provide each sheriff with forms for registering persons as required by this Article. The registration form shall require:

- (1) The person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, drivers license number, and home address;
- (2) The type of offense for which the person was convicted, the date of conviction, and the sentence imposed;
- (3) A current photograph;
- (4) The person's fingerprints;
- (5) A statement indicating whether the person is a student or expects to enroll as a student within a year of registering. If the person is a student or expects to enroll as a student within a year of registration, then the registration form shall also require the name and address of the educational institution at which the person is a student or expects to enroll as a student; and
- (6) A statement indicating whether the person is employed or expects to be employed at an institution of higher education within a year of registering. If the person is employed or expects to be employed at an institution of higher education within a year of registration, then the registration form shall also require the name and address of the educational institution at which the person is or expects to be employed.

The sheriff shall photograph the individual at the time of registration and take fingerprints from the individual at the time of registration both of which will be kept as part of the registration form. The registrant will not be required to pay any fees for the photograph or fingerprints taken at the time of registration.

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(c) When a person registers, the sheriff with whom the person registered shall immediately send the registration information to the Division in a manner determined by the Division. The sheriff shall retain the original registration form and other information collected and shall compile the information that is a public record under this Part into a county registry.

(d) Any person required to register under this section shall report in person at the appropriate sheriff's office to comply with the registration requirements set out in this section. The sheriff shall provide the registrant with written proof of registration at the time of registration."

SECTION 5.(b) This section becomes effective December 1, 2006.

SECTION 6.(a) G.S. 14-208.9 reads as rewritten:

"§ 14-208.9. Change of address; change of academic status or educational employment status.

(a) If a person required to register changes address, the person shall report in person and provide written notice of the new address not later than the tenth day after the change to the sheriff of the county with whom the person had last registered. Upon receipt of the notice, the sheriff shall immediately forward this information to the Division. If the person moves to another county in this State, the Division shall inform the sheriff of the new county of the person's new residence.

(b) If a person required to register ~~moves~~ intends to move to another state, the person shall report in person to the sheriff of the county of current residence at least 10 days before the date the person intends to leave this State to establish residence in another state or jurisdiction. ~~provide written notice of the new address not later than 10 days after the change to the sheriff of the county with whom the person had last registered. Upon receipt of the notice, the~~ The person shall provide to the sheriff a written notification that includes all of the following information: the address, municipality, county, and state of intended residence.

(1) If it appears to the sheriff that the record photograph of the sex offender no longer provides a true and accurate likeness of the sex offender, then the sheriff shall take a photograph of the offender to update the registration.

(2) The sheriff shall ~~notify~~ inform the person that the person must comply with the registration requirements in the new state of residence. The sheriff shall also immediately forward the ~~change of address~~ information included in the notification to the Division, and the Division shall inform the appropriate state official in the state to which the registrant moves of the person's notification and new address.

(b1) A person who indicates his or her intent to reside in another state or jurisdiction and later decides to remain in this State shall, within 10 days after the date upon which the person indicated he or she would leave this State, report in person to the sheriff's office to which the person reported the intended change

of residence, of his or her intent to remain in this State. If the sheriff is notified by the sexual offender that he or she intends to remain in this State, the sheriff shall promptly report this information to the Division.

(c) If a person required to register changes his or her academic status either by enrolling as a student or by terminating enrollment as a student, then the person ~~shall~~ shall, within 10 days, report in person to the sheriff of the county with whom the person registered and provide written notice of the person's new status not later than the tenth day after the change to the sheriff of the county with whom the person registered. ~~status.~~ The written notice shall include the name and address of the institution of higher education at which the student is or was enrolled. ~~Upon receipt of the notice, the~~ The sheriff shall immediately forward this information to the Division.

(d) If a person required to register changes his or her employment status either by obtaining employment at an institution of higher education or by terminating employment at an institution of higher education, then the person ~~shall~~ shall, within 10 days, report in person to the sheriff of the county with whom the person registered and provide written notice of the person's new status not later than the tenth day after the change to the sheriff of the county with whom the person registered. The written notice shall include the name and address of the institution of higher education at which the person is or was employed. ~~Upon receipt of the notice, the~~ The sheriff shall immediately forward this information to the Division."

SECTION 6.(b) This section becomes effective December 1, 2006.

SECTION 7.(a) G.S. 14-208.9A reads as rewritten:

"§ 14-208.9A. Verification of registration information.

(a) The information in the county registry shall be verified ~~annually~~ semiannually for each registrant as follows:

- (1) Every year on the anniversary of a person's initial registration date, and again six months after that date, the Division shall mail a nonforwardable verification form to the last reported address of the person.
- (2) The person shall return the verification form in person to the sheriff within 10 days after the receipt of the form.
- (3) The verification form shall be signed by the person and shall indicate whether the person still resides at the address last reported to the sheriff. If the person has a different address, then the person shall indicate that fact and the new address.
- (3a) If it appears to the sheriff that the record photograph of the sex offender no longer provides a true and accurate likeness of the sex offender, then the sheriff shall take a photograph of the offender to include with the verification form.
- (4) If the person fails to return the verification form in person to the sheriff within 10 days after receipt of the form, the

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person is subject to the penalties provided in G.S. 14-208.11. ~~If the verification form is returned to the sheriff as undeliverable, person fails to report in person and provide the written verification as provided by this section,~~ the sheriff shall make a reasonable attempt to verify that the person is residing at the registered address. If the person cannot be found at the registered address and has failed to report a change of address, the person is subject to the penalties provided in G.S. 14-208.11, unless the person reports in person to the sheriff and proves that the person has not changed his or her residential address.

(b) Additional Verification May Be Required. – During the period that an offender is required to be registered under this Article, the sheriff is authorized to attempt to verify that the offender continues to reside at the address last registered by the offender.

(c) Additional Photograph May Be Required. – If it appears to the sheriff that the current photograph of the sex offender no longer provides a true and accurate likeness of the sex offender, upon in-person notice from the sheriff, the sex offender shall allow the sheriff to take another photograph of the sex offender at the time of the sheriff's request. If requested by the sheriff, the sex offender shall appear in person at the sheriff's office during normal business hours within 72 hours of being requested to do so and shall allow the sheriff to take another photograph of the sex offender. A person who willfully fails to comply with this subsection is guilty of a Class 1 misdemeanor."

SECTION 7.(b) This section becomes effective December 1, 2006, and applies to offenses on or after that date.

SECTION 8.(a) G.S. 14-208.11 reads as rewritten:

"§ 14-208.11. Failure to register; falsification of verification notice; failure to return verification form; order for arrest.

"(a) A person required by this Article to register who willfully does any of the following is guilty of a Class F felony:

- (1) Fails to ~~register~~ register as required by this Article.
- (2) Fails to notify the last registering sheriff of a change of ~~address~~ address as required by this Article.
- (3) Fails to return a verification notice as required under G.S. 14-208.9A.
- (4) Forges or submits under false pretenses the information or verification notices required under this Article.
- (5) Fails to inform the registering sheriff of enrollment or termination of enrollment as a student.
- (6) Fails to inform the registering sheriff of employment at an institution of higher education or termination of employment at an institution of higher education.
- (7) Fails to report in person to the sheriff's office as required by G.S. 14-208.7, 14-208.9, and 14-208.9A.

- (8) Reports his or her intent to reside in another state or jurisdiction but remains in this State without reporting to the sheriff in the manner required by G.S. 14-208.9.

(a1) If a person commits a violation of subsection (a) of this section, the probation officer, parole officer, or any other law enforcement officer who is aware of the violation shall immediately arrest the person in accordance with G.S. 15A-401, or seek an order for the person's arrest in accordance with G.S. 15A-305.

(b) Before a person convicted of a violation of this Article is due to be released from a penal institution, an official of the penal institution shall conduct the prerelease notification procedures specified under G.S. 14-208.8(a)(2) and (3). If upon a conviction for a violation of this Article, no active term of imprisonment is imposed, the court pronouncing sentence shall, at the time of sentencing, conduct the notification procedures specified under G.S. 14-208.8(a)(2) and (3).

(c) A person who is unable to meet the registration or verification requirements of this Article shall be deemed to have complied with its requirements if:

- (1) The person is incarcerated in, or is in the custody of, a local, State, private, or federal correctional facility,
- (2) The person notifies the official in charge of the facility of their status as a person with a legal obligation or requirement under this Article and
- (3) The person meets the registration or verification requirements of this Article no later than 10 days after release from confinement or custody."

SECTION 8.(b) G.S. 14-208.11(a), as amended by Section 8(a) of this section, reads as rewritten:

"(a) A person required by this Article to register who willfully does any of the following is guilty of a Class F felony:

- ...
- (9) Fails to notify the registering sheriff of out-of-county employment if temporary residence is established as required under G.S. 14-208.8A."

SECTION 8.(c) Section 8(b) of this section becomes effective June 1, 2007, and applies to offenses committed on or after that date. The remainder of this section becomes effective December 1, 2006, and applies to offenses committed on or after that date.

SECTION 9.1.(a) Article 27A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-208.11A. Duty to report noncompliance of a sex offender; penalty for failure to report in certain circumstances.

(a) It shall be unlawful and a Class H felony for any person who has reason to believe that an offender is in violation of the requirements of this Article, and who has the intent to assist the offender in eluding arrest, to do any of the following:

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- (1) Withhold information from, or fail to notify, a law enforcement agency about the offender's noncompliance with the requirements of this Article, and, if known, the whereabouts of the offender.
- (2) Harbor, attempt to harbor, or assist another person in harboring or attempting to harbor, the offender.
- (3) Conceal, or attempt to conceal, or assist another person in concealing or attempting to conceal, the offender.
- (4) Provide information to a law enforcement agency regarding the offender that the person knows to be false information.

(b) This section does not apply if the offender is incarcerated in or is in the custody of a local, State, private, or federal correctional facility."

SECTION 9.1.(b) This section becomes effective December 1, 2006, and applies to offenses committed on or after that date.

SECTION 10.(a) G.S. 14-208.12A reads as rewritten:

"§ 14-208.12A. ~~Termination~~ Request for termination of registration requirement.

(a) A person required to register under this Part may petition the superior court in the district where the person resides to terminate the registration requirement.~~The requirement that a person register under this Part automatically terminates~~ 10 years from the date of initial county registration if the person has not been convicted of a subsequent offense requiring registration under this Article.

(a1) The court may grant the relief if:

- (1) The petitioner demonstrates to the court that he or she has not been arrested for any crime that would require registration under this Article since completing the sentence.
- (2) The requested relief complies with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to the termination of a registration requirement or required to be met as a condition for the receipt of federal funds by the State, and
- (3) The court is otherwise satisfied that the petitioner is not a current or potential threat to public safety.

(a2) The district attorney in the district in which the petition is filed shall be given notice of the petition at least three weeks before the hearing on the matter. The petitioner may present evidence in support of the petition and the district attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied.

(a3) If the court denies the petition, the person may again petition the court for relief in accordance with this section one year from the date of the denial of the original petition to terminate the registration requirement. If the court grants the petition to terminate the registration requirement, the clerk of court shall forward a certified copy of the order to the Division to have the person's name removed from the registry.

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(b) If there is a subsequent offense, the county registration records shall be retained until the registration requirement for the subsequent offense is ~~terminated.~~terminated by the court under subsection (a1) of this section."

SECTION 10.(b) This section becomes effective December 1, 2006, and applies to persons for whom the period of registration would terminate on or after that date.

SECTION 11.(a) Article 27A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-208.16. Residential restrictions.

(a) A registrant under this Article shall not knowingly reside within 1,000 feet of the property on which any public or nonpublic school or child care center is located.

(b) As used in this section, 'school' does not include home schools as defined in G.S. 115C-563 or institutions of higher education, and the term 'child care center' is defined by G.S. 110-86(3). The term 'registrant' means a person who is registered, or is required to register, under this Article.

(c) This section does not apply to child care centers that are located on or within 1,000 feet of the property of an institution of higher education where the registrant is a student or is employed.

(d) Changes in the ownership of or use of property within 1,000 feet of a registrant's registered address that occur after a registrant establishes residency at the registered address shall not form the basis for finding that an offender is in violation of this section. For purposes of this subsection, a residence is established when the registrant does any of the following:

- (1) Purchases the residence or enters into a specifically enforceable contract to purchase the residence.
- (2) Enters into a written lease contract for the residence and for as long as the person is lawfully entitled to remain on the premises.
- (3) Resides with an immediate family member who established residence in accordance with this subsection. For purposes of this subsection, 'immediate family member' means a child, sibling, or parent of the registrant.

(e) Nothing in this section shall be construed as creating a private cause of action against a real estate agent or landlord for any act or omission arising out of the residential restriction in this section.

(f) A violation of this section is a Class G felony."

SECTION 11.(b) Article 27A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-208.17. Sexual predator prohibited from working or volunteering for child-involved activities; limitation on residential use.

(a) It shall be unlawful for any person required to register under this Article to work for any person or as a sole proprietor, with or without compensation, at any place where a minor is present and the person's responsibilities or activities would include instruction, supervision, or care of a minor or minors.

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(b) It shall be unlawful for any person to conduct any activity at his or her residence where the person:

- (1) Accepts a minor or minors into his or her care or custody from another, and
- (2) Knows that a person who resides at that same location is required to register under this Article.

(c) A violation of this section is a Class F felony."

SECTION 11.(c) Subsection (a) of this section becomes effective December 1, 2006, and applies to all persons registered or required to register on or after that date. Subsection (a) of this section does not apply to a person who has established a residence prior to the effective date of this subsection in accordance with the provisions in G.S. 14-208.16(d)(1), (2), or (3) as enacted by this act. This subsection is effective when this act becomes law. The remainder of this section is effective on December 1, 2006, and applies to offenses committed on or after that date.

SECTION 12.(a) G.S. 14-27.1(5) reads as rewritten:

"(5) 'Sexual contact' means (i) touching the sexual organ, anus, breast, groin, or buttocks of any person, ~~or~~ (ii) a person touching another person with their own sexual organ, anus, breast, groin, or ~~buttocks~~ buttocks, or (iii) a person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person."

SECTION 12.(b) This section becomes effective December 1, 2006, and applies to offenses committed on or after that date.

SECTION 13. G.S. 14-208.28 reads as rewritten:

"§ 14-208.28. Verification of registration information.

The information provided to the sheriff shall be verified ~~annually~~ semiannually for each juvenile registrant as follows:

- (1) Every year on the anniversary of a juvenile's initial registration ~~date, date and six months after that date,~~ the sheriff shall mail a verification form to the juvenile court counselor assigned to the juvenile.
- (2) The juvenile court counselor for the juvenile shall return the verification form to the sheriff within 10 days after the receipt of the form.
- (3) The verification form shall be signed by the juvenile court counselor and the juvenile and shall indicate whether the juvenile still resides at the address last reported to the sheriff. If the juvenile has a different address, then that fact and the new address shall be indicated on the form."

SECTION 14. G.S. 15A-1341 is amended by adding a new subsection to read:

"(d) Search of Sex Offender Registration Information Required When Placing a Defendant on Probation. – When the court places a defendant on probation, the probation officer assigned to the defendant shall conduct a search of the defendant's name or other identifying information against the registration

information regarding sex offenders compiled by the Division of Criminal Statistics of the Department of Justice in accordance with Article 27A of Chapter 14 of the General Statutes. The probation officer may conduct the search using the Internet site maintained by the Division of Criminal Statistics."

SECTION 15.(a) Article 27A of Chapter 14 of the General Statutes is amended by adding a new Part to read:

"Part 5. Sex Offender Monitoring.

"§ 14-208.33. Establishment of program; creation of guidelines; duties.

(a) The Department of Correction shall establish a sex offender monitoring program that uses a continuous satellite-based monitoring system and shall create guidelines to govern the program. The program shall be designed to monitor two categories of offenders as follows:

- (1) Any offender who is convicted of a reportable conviction as defined by G.S. 14-208.6(4) and who is required to register under Part 3 of Article 27A of Chapter 14 of the General Statutes because the defendant is classified as a sexually violent predator, is a recidivist, or was convicted of an aggravated offense as those terms are defined in G.S. 14-208.6. An offender in this category who is ordered by the court to submit to satellite-based monitoring is subject to that requirement for the person's natural life, unless the requirement is terminated pursuant to G.S. 14-208.36.
- (2) Any offender who satisfies all of the following criteria: (i) is convicted of a reportable conviction as defined by G.S. 14-208.6(4), (ii) is required to register under Part 2 of Article 27A of Chapter 14 of the General Statutes, (iii) has committed an offense involving the physical, mental, or sexual abuse of a minor, and (iv) based on the Department's risk assessment program requires the highest possible level of supervision and monitoring. An offender in this category who is ordered by the court to submit to satellite-based monitoring is subject to that requirement only for the period of time ordered by the court and is not subject to a requirement of lifetime satellite-based monitoring.

(b) In developing the guidelines for the program, the Department shall require that any offender who is enrolled in the satellite-based program submit to an active continuous satellite-based monitoring program, unless an active program will not work as provided by this section. If the Department determines that an active program will not work as provided by this section, then the Department shall require that the defendant submit to a passive continuous satellite-based program that works within the technological or geographical limitations.

(c) The satellite-based monitoring program shall use a system that provides all of the following:

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- (1) Time-correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location tracking technology.
- (2) Reporting of subject's violations of prescriptive and proscriptive schedule or location requirements. Frequency of reporting may range from once a day (passive) to near real-time (active).

(d) The Department may contract with a single vendor for the hardware services needed to monitor subject offenders and correlate their movements to reported crime incidents. The contract may provide for services necessary to implement or facilitate any of the provisions of this Part.

"§ 14-208.34. Enrollment in satellite-based monitoring programs mandatory; length of enrollment.

(a) Any person described by G.S. 14-208.33(a)(1) shall enroll in a satellite-based monitoring program with the Division of Community Corrections office in the county where the person resides. The person shall remain enrolled in the satellite-based monitoring program for the registration period imposed under G.S. 14-208.23 which is the person's life, unless the requirement to enroll in the satellite-based monitoring program is terminated pursuant to G.S. 14-208.35.

(b) Any person described by G.S. 14-208.33(a)(2) who is ordered by the court to enroll in a satellite-based monitoring program shall do so with the Division of Community Corrections office in the county where the person resides. The person shall remain enrolled in the satellite-based monitoring program for the period of time ordered by the court.

"§ 14-208.35. Lifetime registration offenders required to submit to satellite-based monitoring for life and to continue on unsupervised probation upon completion of sentence.

Notwithstanding any other provision of law, when the court sentences an offender who is in the category described by G.S. 14-208.33(a)(1) for a reportable conviction as defined by G.S. 14-208.6(4), and orders the offender to enroll in a satellite-based monitoring program, the court shall also order that the offender, upon completion of the offender's sentence and any term of parole, post-release supervision, intermediate punishment, or supervised probation that follows the sentence, continue to be enrolled in the satellite-based monitoring program for the offender's life and be placed on unsupervised probation unless the requirement that the person enroll in a satellite-based monitoring program is terminated pursuant to G.S. 14-208.36.

"§ 14-208.36. Request for termination of satellite-based monitoring requirement.

(a) An offender described by G.S. 14-308.33(a)(1) who is required to submit to satellite-based monitoring for the offender's life may file a request for termination of monitoring requirement with the Post-Release Supervision and Parole Commission. The request to terminate the satellite-based monitoring requirement and to terminate the accompanying requirement of unsupervised

probation may not be submitted until at least one year after the offender: (i) has served his or her sentence for the offense for which the satellite-based monitoring requirement was imposed, and (ii) has also completed any period of probation, parole, or post-release supervision imposed as part of the sentence.

(b) Upon receipt of the request for termination, the Commission shall review documentation contained in the offender's file and the statewide registry to determine whether the person has complied with the provisions of this Article. In addition, the Commission shall conduct fingerprint-based state and federal criminal history record checks to determine whether the person has been convicted of any additional reportable convictions.

(c) If it is determined that the person has not received any additional reportable convictions during the period of satellite-based monitoring and the person has substantially complied with the provisions of this Article, the Commission may terminate the monitoring requirement if the Commission finds that the person is not likely to pose a threat to the safety of others.

(d) If it is determined that the person has received any additional reportable convictions during the period of satellite-based monitoring or has not substantially complied with the provisions of this Article, the Commission shall not order the termination of the monitoring requirement.

(e) The Commission shall not consider any request to terminate a monitoring requirement except as provided by this section. The Commission has no authority to consider or terminate a monitoring requirement for an offender described in G.S. 14-208.33(a)(2).

"§ 14-208.37. Failure to enroll; tampering with device.

(a) Any person required to enroll in a satellite-based monitoring program who fails to enroll shall be guilty of a Class F felony.

(b) Any person who intentionally tampers with, removes, or vandalizes a device issued pursuant to a satellite-based monitoring program to a person duly enrolled in the program shall be guilty of a Class E felony.

"§ 14-208.38. Fees.

(a) There shall be a one-time fee of ninety dollars (\$90.00) assessed to each person required to enroll pursuant to this Part. The court may exempt a person from paying the fee only for good cause and upon motion of the person placed on satellite-based monitoring. The court may require that the fee be paid in advance or in a lump sum or sums, and a probation officer may require payment by those methods if the officer is authorized by subsection (c) of this section to determine the payment schedule. This fee is intended to offset only the costs associated with the time-correlated tracking of the geographic location of subjects using the location tracking crime correlation system.

(b) The fee shall be payable to the clerk of superior court, and the fees shall be remitted quarterly to the Department of Correction.

(c) If a person placed on supervised probation, parole, or post-release supervision is required as a condition of that probation, parole, or post-release supervision to pay any moneys to the clerk of superior court, the court may delegate to a probation officer the responsibility to determine the payment schedule."

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SECTION 15.(b) G.S. 15A-1343(b2) reads as rewritten:

"(b2) Special Conditions of Probation for Sex Offenders and Persons Convicted of Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – As special conditions of probation, a defendant who has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, must:

- (1) Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).
- (2) Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
- (3) Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- (4) Not reside in a household with any minor child if the offense is one in which there is evidence of sexual abuse of a minor.
- (5) Not reside in a household with any minor child if the offense is one in which there is evidence of physical or mental abuse of a minor, unless the court expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the minor child's best interest to allow the probationer to reside in the same household with a minor child.
- (6) Satisfy any other conditions determined by the court to be reasonably related to his rehabilitation.
- (7) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the defendant is described by G.S. 14-208.33(a)(1).
- (8) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the defendant is in the category described by G.S. 14-208.33(a)(2), and the Department of Correction, based on the Department's risk assessment program, recommends that the defendant submit to the highest possible level of supervision and monitoring.

Defendants subject to the provisions of this subsection shall not be placed on unsupervised ~~probation~~-probation, except as provided in G.S. 14-208.35."

SECTION 15.(c) G.S. 15A-1343.2 is amended by adding a new subsection to read:

"(f1) Mandatory Condition of Satellite-Based Monitoring for Some Sex Offenders. – Notwithstanding any other provision of this section, the court shall impose satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes as a condition of probation on any offender who is described by G.S. 14-208.33(a)(1)."

SECTION 15.(d) G.S. 15A-1343.2(f) is amended by adding a new subdivision to read:

"(5) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the defendant is described by G.S. 14-208.33(a)(2)."

SECTION 15.(e) G.S. 15A-1344 is amended by adding a new subsection to read:

"(e2) Mandatory Satellite-Based Monitoring Required for Extension of Probation in Response to Violation by Certain Sex Offenders. – If a defendant who is in the category described by G.S. 14-208.33(a)(1) or G.S. 14-208.33(a)(2) violates probation and if the court extends the probation as a result of the violation, then the court shall order satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes as a condition of the extended probation."

SECTION 15.(f) G.S. 15A-1368.2 is amended by adding a new subsection to read:

"(c1) Notwithstanding subsection (c) of this section, a person required to submit to satellite-based monitoring pursuant to G.S. 15A-1368.4(b1)(6) shall continue to participate in satellite-based monitoring beyond the period of post-release supervision until the Commission releases the person from that requirement pursuant to G.S. 14-208.36."

SECTION 15.(g) G.S. 15A-1368.4 (b1) reads as rewritten:

"(b1) Additional Required Conditions for Sex Offenders and Persons Convicted of Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – In addition to the required condition set forth in subsection (b) of this section, for a supervisee who has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, controlling conditions, violations of which may result in revocation of post-release supervision, are:

- (1) Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).
- (2) Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the Commission.
- (3) Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- (4) Not reside in a household with any minor child if the offense is one in which there is evidence of sexual abuse of a minor.
- (5) Not reside in a household with any minor child if the offense is one in which there is evidence of physical or mental abuse of a minor, unless a court of competent jurisdiction expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the child's best interest to allow the

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supervisee to reside in the same household with a minor child.

- (6) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the offense is a reportable conviction as defined by G.S. 14-208.6(4) and the supervisee is in the category described by G.S. 14-208.33(a)(1).
- (7) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the offense is a reportable conviction as defined by G.S. 14-208.6(4) and the supervisee is in the category described by G.S. 14-208.33(a)(2)."

SECTION 15.(h) G.S. 15A-1374 is amended by adding a new subsection to read:

"(b1) Mandatory Satellite-Based Monitoring Required as Condition of Parole for Certain Offenders. – If a parolee is in a category described by G.S. 14-208.33(a)(1) or G.S. 14-208.33(a)(2), the Commission must require as a condition of parole that the parolee submit to satellite-based monitoring pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes."

SECTION 15.(i) G.S. 143B-266 is amended by adding a new subsection to read:

"(e) The Commission may accept and review requests from persons placed on probation, parole, or post-release supervision to terminate a mandatory condition of satellite-based monitoring as provided by G.S. 14-208.35. The Commission may grant or deny those requests in compliance with G.S.14-208.35."

SECTION 15.(j) The Department of Correction shall have the program enacted by subsection (a) of this section established by January 1, 2007.

SECTION 15.(k) This subsection is effective on July 1, 2006. Of the funds appropriated by Senate Bill 1741 as enacted by the 2005 General Assembly, Regular Session 2006, to the Department of Correction for the 2006-2007 fiscal year the sum of one million three hundred seven thousand two hundred eighteen dollars (\$1,307,218) shall be used to implement the sex offender monitoring program established pursuant to this section. Notwithstanding G.S. 143-23(a2), the Department of Correction may use available funds to implement this program during the 2006-2007 fiscal year if expenditures are anticipated to exceed the amount appropriated by this act. Prior to exceeding the amount appropriated for this program by this act, the Department of Correction shall report to the Joint Legislative Commission on Governmental Operations.

SECTION 15.(l) Unless otherwise provided in the section, this section is effective when it becomes law and applies to offenses committed on or after that date. This section also applies to any person sentenced to intermediate punishment on or after that date and to any person released from prison by parole or post-release supervision on or after that date. This section also applies to any person who completes his or her sentence on or after the

effective date of this section who is not on post-release supervision or parole. However, the requirement to enroll in a satellite-based program is not mandatory until January 1, 2007, when the program is established.

SECTION 16. The Department of Correction shall either issue an RFP prior to signing a contract, or with prior approval by the State Chief Information Officer or his designee, enter into a contract through an approved contracting alliance or consortium for a passive and active Global Positioning System. The system shall be for use as an intermediate sanction and to help supervise certain sex offenders who are placed on probation, parole, or post-release supervision. If an RFP is issued, the contract shall be awarded by October 1, 2006 for contract terms to begin January 1, 2007. The Department of Correction shall report by November 1, 2006 to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the details of the awarded contract.

SECTION 17. No later than January 1, 2007, the Department of Correction shall develop a graduated risk assessment program that identifies, assesses, and closely monitors a high-risk sex offender who, while not classified as a sexually violent predator, a recidivist, or convicted of an aggravated offense as those terms are defined in G.S. 14-208.6, may still require extraordinary supervision and may be placed on probation, parole, or post-release supervision only on the conditions provided in G.S. 15A-1343(b2) or G.S. 15A-1368.4(b1).

SECTION 18. The Department of Correction shall study and develop a plan for offering mental health treatment for incarcerated sex offenders designed to reduce the likelihood of recidivism. The Department shall study appropriate and effective mental health treatment techniques and alternatives. Services must be best practices, as determined by the Department. The Department will consult various stakeholders from organizations dedicated to the prevention of sexual assault, victims' advocacy organizations, and experts in the field of treatment of sexual offenders. The Department shall consider the fiscal impact, if any, of implementing the plan developed pursuant to this study.

The Department shall make a preliminary report to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services no later than January 15, 2007, and a final report to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services and the General Assembly on or before October 1, 2007.

SECTION 19.(a) G.S. 14-208.6(4)(b) reads as rewritten:

"b. A final conviction in another state of an offense, which if committed in this State, is substantially similar to an offense against a minor or a sexually violent offense as defined by this ~~section~~section, or a final conviction in another state of an offense that requires registration under the sex offender registration statutes of that state."

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SECTION 19.(b) Article 2 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-9.3. Notification of requirements for sex offender registration.

The Division shall provide notice to each person who applies for the issuance of a drivers license, learner's permit, or instruction permit to operate a motor vehicle, and to each person who applies for an identification card, that if the person is a sex offender, then the person is required to register pursuant to Article 27A of Chapter 14 of the General Statutes."

SECTION 19.(c) G.S. 20-9 is amended by adding a new subsection to read:

"(i) The Division shall not issue a drivers license to an applicant who has resided in this State for less than 12 months until the Division has searched the National Sex Offender Public Registry to determine if the person is currently registered as a sex offender in another state.

- (1) If the Division finds that the person is currently registered as a sex offender in another state, the Division shall not issue a drivers license to the person until the person submits proof of registration pursuant to Article 27A of Chapter 14 of the General Statutes issued by the sheriff of the county where the person resides.
- (2) If the person does not appear on the National Sex Offender Public Registry, the Division shall issue a drivers license but shall require the person to sign an affidavit acknowledging that the person has been notified that if the person is a sex offender, then the person is required to register pursuant to Article 27A of Chapter 14 of the General Statutes.
- (3) If the Division is unable to access all states' information contained in the National Sex Offender Public Registry, but the person is otherwise qualified to obtain a drivers license, then the Division shall issue the drivers license but shall first require the person to sign an affidavit stating that: (i) the person does not appear on the National Sex Offender Public Registry and (ii) acknowledging that the person has been notified that if the person is a sex offender, then the person is required to register pursuant to Article 27A of Chapter 14 of the General Statutes. The Division shall search the National Sex Offender Public Registry for the person within a reasonable time after access to the Registry is restored. If the person does appear in the National Sex Offender Public Registry, the person is in violation of G.S. 20-30, and the Division shall immediately revoke the drivers license and shall promptly notify the sheriff of the county where the person resides of the offense.

- (4) Any person denied a license or whose license has been revoked by the Division pursuant to this subsection shall have a right to file a petition within 30 days thereafter for a hearing in the matter in the superior court of the county wherein such person shall reside, or to the resident judge of the district or judge holding the court of that district, or special or emergency judge holding a court in such district, and such court or judge is hereby vested with jurisdiction, and it shall be its or his duty to set the matter for hearing upon 30 days' written notice to the Division, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license under the provisions of this subsection and whether the petitioner is in violation of G.S. 20-30."

SECTION 19.(d) G.S. 20-37.7 is amended by adding a new subsection to read:

"(b1) Search National Sex Offender Public Registry. – The Division shall not issue a special identification card to an applicant who has resided in this State for less than 12 months until the Division has searched the National Sex Offender Public Registry to determine if the person is currently registered as a sex offender in another state.

- (1) If the Division finds that the person is currently registered as a sex offender in another state, the Division shall not issue a special identification card to the person until the person submits proof of registration pursuant to Article 27A of Chapter 14 of the General Statutes issued by the sheriff of the county where the person resides.
- (2) If the person does not appear on the National Sex Offender Public Registry, the Division shall issue a special identification card but shall require the person to sign an affidavit acknowledging that the person has been notified that if the person is a sex offender, then the person is required to register pursuant to Article 27A of Chapter 14 of the General Statutes.
- (3) If the Division is unable to access all states' information contained in the National Sex Offender Public Registry, but the person is otherwise qualified to obtain a special identification card, then the Division shall issue the card but shall first require the person to sign an affidavit stating that: (i) the person does not appear on the National Sex Offender Public Registry and (ii) acknowledging that the person has been notified that if the person is a sex offender, then the person is required to register pursuant to Article 27A of Chapter 14 of the General Statutes. The Division shall search the National

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Sex Offender Public Registry for the person within a reasonable time after access to the Registry is restored. If the person does appear in the National Sex Offender Public Registry, the person is in violation of G.S. 20-37.8, and the Division shall promptly notify the sheriff of the county where the person resides of the offense.

- (4) Any person denied a special identification card by the Division pursuant to this subsection shall have a right to file a petition within 30 days thereafter for a hearing in the matter in the superior court of the county wherein such person shall reside, or to the resident judge of the district or judge holding the court of that district, or special or emergency judge holding a court in such district, and such court or judge is hereby vested with jurisdiction, and it shall be its or his duty to set the matter for hearing upon 30 days' written notice to the Division, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a special identification card under the provisions of this subsection and whether the petitioner is in violation of G.S. 20-37.8."

SECTION 19.(e) Section 19.(a) of this act becomes effective December 1, 2006, and applies to all offenses committed on or after that date and to all individuals who move into this State on or after that date. The remainder of this section becomes effective December 1, 2006, and applies to all applications for a drivers license, learner's permit, instruction permit, or special identification card submitted on or after that date.

SECTION 20.(a) G.S. 14-43.2 is repealed.

SECTION 20.(b) Chapter 14 of the General Statutes is amended by adding a new Article to read:

"Article 10A.

"Human Trafficking.

"§ 14-43.4. Definitions.

- (a) Definitions. – The following definitions apply in this Article:
- (1) Coercion. – The term includes all of the following:
- a. Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person.
 - b. Exposing or threatening to expose any fact or information that if revealed would tend to subject a person to criminal or immigration proceedings, hatred, contempt, or ridicule.
 - c. Destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual

- or purported government identification document, of any person.
- d. Providing a controlled substance, as defined by G.S. 90-87, to a person.
- (2) Deception. – The term includes all of the following:
- a. Creating or confirming another's impression of an existing fact or past event that is false and which the accused knows or believes to be false.
- b. Maintaining the status or condition of a person arising from a pledge by that person of his or her personal services as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined, or preventing a person from acquiring information pertinent to the disposition of such debt.
- c. Promising benefits or the performance of services that the accused does not intend to deliver or perform or knows will not be delivered or performed.
- (3) Involuntary servitude. – The term includes the following:
- a. The performance of labor, whether or not for compensation, or whether or not for the satisfaction of a debt; and
- b. By deception, coercion, or intimidation using violence or the threat of violence or by any other means of coercion or intimidation.
- (4) Minor. – A person who is less than 18 years of age.
- (5) Sexual servitude. – The term includes the following:
- a. Any sexual activity as defined in G.S. 14-190.13 for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years; or
- b. Any sexual activity as defined in G.S. 14-190.13 that is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years.

"§ 14-43.5. Human trafficking.

(a) A person commits the offense of human trafficking when that person knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude.

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(b) A person who violates this section is guilty of a Class F felony if the victim of the offense is an adult. A person who violates this section is guilty of a Class C felony if the victim of the offense is a minor.

(c) Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to authorize a conviction under this section.

"§ 14-43.6. Involuntary servitude.

(a) A person commits the offense of involuntary servitude when that person knowingly and willfully holds another in involuntary servitude.

(b) A person who violates this section is guilty of a Class F felony if the victim of the offense is an adult. A person who violates this section is guilty of a Class C felony if the victim of the offense is a minor.

(c) Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to authorize a conviction under this section.

(d) Nothing in this section shall be construed to affect the laws governing the relationship between an unemancipated minor and his or her parents or legal guardian.

(e) If any person reports a violation of this section, which violation arises out of any contract for labor, to any party to the contract, the party shall immediately report the violation to the sheriff of the county in which the violation is alleged to have occurred for appropriate action. A person violating this subsection shall be guilty of a Class 1 misdemeanor.

"§ 14-43.7. Sexual servitude.

(a) A person commits the offense of sexual servitude when that person knowingly subjects or maintains another in sexual servitude.

(b) A person who violates this section is guilty of a Class F felony if the victim of the offense is an adult. A person who violates this section is guilty of a Class C felony if the victim of the offense is a minor.

(c) Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to authorize a conviction under this section."

SECTION 20.(c) G.S. 14-39(a) reads as rewritten:

"(a) Any person who shall unlawfully confine, restrain, or remove from one place to another, any other person 16 years of age or over without the consent of such person, or any other person under the age of 16 years without the consent of a parent or legal custodian of such person, shall be guilty of kidnapping if such confinement, restraint or removal is for the purpose of:

- (1) Holding such other person for a ransom or as a hostage or using such other person as a shield; or
- (2) Facilitating the commission of any felony or facilitating flight of any person following the commission of a felony; or

- (3) Doing serious bodily harm to or terrorizing the person so confined, restrained or removed or any other person; or
- (4) Holding such other person in involuntary servitude in violation of G.S. ~~14-43.2~~, 14-43.6.
- (5) Trafficking another person with the intent that the other person be held in involuntary servitude or sexual servitude in violation of G.S. 14-43.5.
- (6) Subjecting or maintaining such other person for sexual servitude in violation of G.S. 14-43.7."

SECTION 20.(d) G.S. 14-208.6(5) reads as rewritten:

- "(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S. 14-43.7 (subjecting or maintaining a person for sexual servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), or G.S. 14-202.3 (Solicitation of child by computer to commit an unlawful sex act). The term also includes the following: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses."

SECTION 20.(e) G.S. 15A-830(a)(7) reads as rewritten:

- "(7) Victim. – A person against whom there is probable cause to believe one of the following crimes was committed:
- a. A Class A, B1, B2, C, D, or E felony.
 - b. A Class F felony if it is a violation of one of the following: G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3); 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; ~~14-43.2~~; 14-43.6; 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-277.3; 14-288.9; or 20-138.5.
 - c. A Class G felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.

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- d. A Class H felony if it is a violation of one of the following: G.S. 14-32.3(a); 14-32.3(c); 14-33.2, or 14-277.3.
- e. A Class I felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.
- f. An attempt of any of the felonies listed in this subdivision if the attempted felony is punishable as a felony.
- g. Any of the following misdemeanor offenses when the offense is committed between persons who have a personal relationship as defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2); 14-33(a); 14-34; 14-134.3; or 14-277.3."

SECTION 21. The provisions of this act are severable. If any provision is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

SECTION 22. Section 15 of this act is effective as provided herein. Sections 14, 16, 17, 18, 21, and 22 are effective when this act becomes law. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions. Except as otherwise provided in this act, the remainder of this act becomes effective December 1, 2006, and applies to offenses committed on or after that date.

Upon motion of Senator Boseman, the rules are suspended and the Conference Report, which changes the title, is placed before the Senate for immediate consideration.

Upon motion of Senator Boseman, the Senate adopts the Conference Report (47-0).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE

S.B. 542 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW REASONABLE ACCESS TO STATE FACILITIES AND EMPLOYEES FOR CERTAIN EMPLOYEE ASSOCIATIONS, for concurrence in the House Committee Substitute, as amended, referred to the **State & Local Government Committee** on July 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill, as amended, be withdrawn from the **State & Local Government Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

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The Chair orders the House Committee Substitute bill withdrawn from the **State & Local Government Committee** and places it before the Senate for immediate consideration for concurrence in the House Committee Substitute bill, as amended.

Upon motion of Senator Berger of Franklin, the Senate concurs in the House Committee Substitute bill and House Amendments No. 1, No. 2, and No. 3, (46-1) and the bill is ordered engrossed and enrolled and sent to the Governor by special message.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 198 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2006.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 198 earlier today and the motion by Senator Garrou to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Garrou, Chair; Senator Dalton; Senator Dannelly; Senator Hagan; and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns subject to receipt of messages from the House of Representatives, receipt of committee reports and conference reports, appointment of conferees and ratification of bills, to meet tomorrow, Thursday, July 27, 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
July 26, 2006

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 198**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2006, and requests conferees, Speaker Black appoints:

Representative Crawford, Chair
Representative Owens

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Representative Earle
Representative Nye
Representative Michaux
Representative Clary, and
Representative Yongue

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:33 P.M.

ONE HUNDRED SEVENTY-FIFTH DAY

Senate Chamber
Thursday, July 27, 2006

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, much good has been accomplished in this Legislative Session but there comes a time when we all are ready to pray this simple prayer, prayed once before a few years ago. It goes 'This is the day the Lord hath made, let us rejoice, but get on with it'. Amen."

The Chair grants leaves of absence for today to Senator Hoyle and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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 Chair extends the privileges of the floor to Dr. Darlyne Menscer from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Ann Lewis from Clinton, North Carolina, who is serving the Senate as Nurse of the Day.

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ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 489, AN ACT TO AUTHORIZE 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, AND TO AMEND CERTAIN LICENSURE REQUIREMENTS UNDER THE NORTH CAROLINA COSMETIC ART ACT.

S.B. 522, AN ACT TO PROVIDE A RECIPROCAL PREFERENCE FOR NORTH CAROLINA FIRMS PROVIDING ARCHITECTURAL, ENGINEERING, SURVEYING, AND CONSTRUCTION MANAGEMENT AT RISK SERVICES FOR PUBLIC PROJECTS.

S.B. 542, AN ACT TO ALLOW REASONABLE ACCESS TO STATE FACILITIES AND EMPLOYEES FOR CERTAIN EMPLOYEE ASSOCIATIONS.

S.B. 602, 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.

S.B. 927, AN ACT TO ALLOW THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DECLINE TO ACCEPT A NUTRIENT OFFSET PAYMENT FOR PHOSPHOROUS FOR THE TAR-PAMLICO RIVER BASIN IF THE DEPARTMENT FINDS THAT THE PAYMENT IS NOT SUFFICIENT TO COVER THE FULL COSTS OF NUTRIENT REDUCTION MEASURES NEEDED TO COMPLY WITH THE NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY.

S.B. 1122, AN ACT TO CREATE THE LAND AND WATER CONSERVATION STUDY COMMISSION.

S.B. 1242, AN ACT TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO ESTABLISH GEAR SPECIFIC PERMITS TO TAKE STRIPED BASS FROM THE ATLANTIC OCEAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

S.B. 1295, AN ACT TO INCREASE PROTECTIONS FOR CONSUMERS WHO RECEIVE UNSOLICITED FACSIMILES.

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S.B. 1381, AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO CONVERT A PORTION OF INTERSTATE 540 UNDER CONSTRUCTION IN WAKE AND DURHAM COUNTIES TO A TOLL FACILITY, TO CLARIFY WHICH PROJECTS THE TURNPIKE AUTHORITY IS AUTHORIZED TO CONSTRUCT, TO REQUIRE LEGISLATIVE APPROVAL FOR ADDITIONAL TURNPIKE AUTHORITY CONSTRUCTION PROJECTS, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS.

S.B. 1566, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS AND TO PROTECT WATER QUALITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

S.B. 1862, AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS, TO REQUIRE THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENTS.

H.B. 267, AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE ISSUANCE OF TEMPORARY DRIVING CERTIFICATES PENDING THE ISSUANCE OF A DRIVERS LICENSE.

H.B. 966, AN ACT TO PROVIDE FOR THE DISCLOSURE OF CANDIDATE-SPECIFIC COMMUNICATIONS.

H.B. 1024, 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; TO SET THE DATE OF FUTURE SECOND PRIMARIES AT SEVEN WEEKS AFTER THE FIRST PRIMARY; TO REVISE THE MUNICIPAL ELECTION SCHEDULE TO PROVIDE MORE TIME FOR ABSENTEE VOTING AND ELECTION ADMINISTRATION; TO CONFORM NORTH CAROLINA ABSENTEE VOTING LAW TO THE U.S. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT; TO REVISE THE PROCEDURE FOR SELECTION OF PRECINCTS AND OTHER VOTING UNITS FOR SAMPLE COUNTS; TO PROVIDE FOR

FILLING MID-ELECTION-YEAR JUDICIAL VACANCIES; AND TO FURTHER AMEND THE LAW CONCERNING JUDICIAL CANDIDACIES.

H.B. 1048, AN ACT TO PROVIDE: (1) IMPROVED DETECTION OF IMPAIRED DRIVERS ON THE STATE'S ROADS AND HIGHWAYS; (2) IMPROVED METHODS OF DETERMINING HOW UNDERAGE DRIVERS OBTAIN ALCOHOL; (3) PROCEDURES FOR INVESTIGATING, ARRESTING, CHARGING, AND JUDICIAL PROCESSING OF IMPAIRED DRIVING OFFENSES; (4) RULES FOR THE COURTROOM ADMISSION OF EVIDENCE THAT IS RELEVANT TO IMPAIRED DRIVING OFFENSES; (5) CLARIFICATION ON WHEN A DRIVER IS GUILTY OF DRIVING WHILE IMPAIRED; (6) AGGRAVATED PENALTIES FOR OFFENDERS WHO SERIOUSLY INJURE OR KILL WHEN DRIVING WHILE IMPAIRED; (7) A SYSTEM OF REPORTING BY STATE PROSECUTORS AND THE COURTS ON THE DISPOSITION OF IMPAIRED DRIVING OFFENSES; (8) ELECTRONIC MONITORING AFTER AN IMPAIRED DRIVER HAS BEEN RELEASED FROM CONFINEMENT; (9) FOR THE SEIZURE AND FORFEITURE OF THE VEHICLE WHERE A PERSON IS DRIVING WHILE IMPAIRED WITHOUT A LICENSE OR INSURANCE; (10) OTHER MEASURES DESIGNED TO IMPROVE THE SAFETY OF THE MOTORING PUBLIC OF NORTH CAROLINA; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS "THE MOTOR VEHICLE DRIVER PROTECTION ACT OF 2006."

H.B. 1323, AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION.

H.B. 1417, AN ACT RELATING TO REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS.

H.B. 2762, AN ACT RELATING TO THE APPOINTMENT AND COMPENSATION OF THE EXECUTIVE DIRECTOR AND ASSISTANT DIRECTOR OF THE U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION AND RELATING TO COVERAGE UNDER THE STATE PERSONNEL ACT OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF CULTURAL RESOURCES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 134, AN ACT TO ALLOW THE CITY OF CONOVER TO DISPOSE OF CERTAIN PROPERTY BY PRIVATE SALE.

S.B. 1199, AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES OF VARIOUS CITIES AND TOWNS TO USE ALL-

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TERRAIN VEHICLES ON THE PUBLIC STREETS AND HIGHWAYS IN THOSE CITIES AND TOWNS, AND AFFECTING ABANDONED AND JUNKED VEHICLES IN CERTAIN CITIES AND TOWNS.

S.B. 1431, AN ACT (1) TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX; AND (2) TO CREATE THE WILMINGTON CONVENTION CENTER DISTRICT; TO MODIFY THE DISTRIBUTION OF COUNTY AND CITY OCCUPANCY TAX PROCEEDS DERIVED FROM ACCOMMODATIONS LOCATED IN THE DISTRICT; TO CREATE THE NEW HANOVER COUNTY DISTRICT U; TO AUTHORIZE THE NEW HANOVER COUNTY DISTRICT U TO LEVY A THREE PERCENT OCCUPANCY TAX; AND TO MAKE ADMINISTRATIVE CHANGES TO THE WILMINGTON OCCUPANCY TAX.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1564 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING SANITARY LANDFILL FRANCHISE ORDINANCES AND AGREEMENTS TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED TO, AWARD SANITARY LANDFILL FRANCHISES; TO PROVIDE FOR THE AWARD OF PRELIMINARY FRANCHISES AS WELL AS FRANCHISES AND TO SPECIFY THE INFORMATION TO BE INCLUDED THEREIN; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE AWARDED ONLY AFTER ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO PROVIDE THAT FRANCHISES ARE AWARDED ONLY AFTER PUBLIC NOTICE OF THE LOCATION OF THE PROPOSED SANITARY LANDFILL; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES; AND TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES TO ANY APPLICATION FOR A PRELIMINARY FRANCHISE OR FRANCHISE THAT IS FILED WITH A LOCAL GOVERNMENT ON OR AFTER THAT DATE AND THAT THIS ACT DOES NOT AFFECT ANY FRANCHISE THAT HAS BEEN AWARDED AS OF THE DATE ON WHICH THIS ACT BECOMES EFFECTIVE UNLESS THE FRANCHISE PROVIDES FOR A FINAL VOTE OF THE GOVERNING BOARD OF THE LOCAL GOVERNMENT ON THE FRANCHISE AND THE FINAL VOTE OCCURS ON OR AFTER 1 NOVEMBER 2006, IN WHICH CASE THE PROVISIONS OF G.S. 130A-294(B1), AS AMENDED BY THIS ACT, APPLY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon concurrence.

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Upon motion of Senator Clodfelter, the President orders, without objection, the House Committee Substitute bill temporarily displaced.

S.B. 2051 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE ENERGY, FUEL, AND WATER CONSUMPTION IN THE STATE THROUGH: (1) DEVELOPMENT OF A PLAN TO INCREASE THE AVAILABILITY AND USE OF ALTERNATIVE FUELS IN STATE-OWNED VEHICLE FLEETS; (2) PROVISION OF ENERGY ASSISTANCE TO LOW-INCOME PERSONS; (3) DEVELOPMENT OF A STRATEGIC PLAN TO EXPAND THE BIOFUELS INDUSTRY IN NORTH CAROLINA; AND (4) STUDY MECHANISMS TO IMPROVE ENERGY AND WATER CONSERVATION IN STATE-OWNED FACILITIES, for concurrence in House Amendments No. 1 and No. 2.

Upon motion of Senator Albertson, the Senate concurs in House Amendments No. 1 and No. 2, (46-1) 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:

H.B. 1942 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE USE OF THE BASIC PILOT PROGRAM FOR VERIFICATION OF THE LEGAL STATUS OF NEWLY HIRED EMPLOYEES OF THE STATE; LOCAL EDUCATION AGENCIES; AND COMMUNITY COLLEGES.

Referred to the **State & Local Government Committee**.

The Senate recesses at 10:07 A.M. for the purpose of a Commerce Committee meeting and a Judiciary I Committee meeting, to reconvene at 12:00 Noon subject to reading of messages from the House of Representatives, receipt of committee reports and conference reports, appointment of conferees and ratification of bills.

RECESS

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 2147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO USE EXISTING PLANS FOR STATE CONSTRUCTION PROJECTS WHERE FEASIBLE, with a favorable report.

Upon motion of Senator Soles, the rules are suspended and the Committee Substitute is placed on today's Calendar.

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CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **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, 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 128, 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, Senate Judiciary I Committee Substitute Adopted 8/12/05, Third Edition Engrossed 8/13/05, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Judiciary I Committee Substitute Adopted 8/12/05, Third Edition Engrossed 8/13/05, 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 H128-PCCS10652-ST-4.

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The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 27, 2006.

Conferees for the Senate

Conferees for the House of Representatives

S/Daniel G. Clodfelter, Chair	S/Verla Insko, Chair
S/Janet Cowell	S/Jean R. Preston
Eleanor Kinnaird	S/Deborah K. Ross
S/Richard Stevens	S/W. A. (Winkie) Wilkins
	Jean Farmer-Butterfield

The text of the attached Proposed Conference Committee Substitute, H128-PCCS10652-ST-4 is as follows:

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 CLARIFY WHAT REASONABLE ADMINISTRATIVE EXPENSES INCLUDE; AND TO PROVIDE THAT EXCEPT FOR THEIR ENVELOPE, PROVISIONAL BALLOTS SHALL NOT BE MARKED TO BE IDENTIFIABLE TO A VOTER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-234 is amended by adding a new subdivision to read:

"(2a) Notwithstanding the provisions of subdivision (2) of this section, a county board of elections may, at each meeting at which it approves absentee ballot applications pursuant to G.S. 163-230.1(c) and (c1), remove those ballots from their envelopes and have them read by an optical scanning machine, without printing the totals on the scanner. The board shall complete the counting of these ballots at the times provided in subdivision (2) of this section. The State Board of Elections shall provide instructions to county boards of elections for executing this procedure, and the instructions shall be designed to ensure the accuracy of the count, the participation of board members of both parties, and the secrecy of the results before

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election day. This subdivision applies only in counties that use optical scan devices to count absentee ballots."

SECTION 2. G.S. 163-82.15(a) reads as rewritten:

"(a) Registrant's Duty to Report. – No registered voter shall be required to re-register upon moving from one precinct to another within the same county. Instead, a registrant shall notify the county board of the change of address by the close of registration for an election as set out in G.S. 163-82.6(c). In addition to any other method allowed by G.S. 163-82.6, the form may be submitted by electronic facsimile, under the same deadlines as if it had been submitted in person. The registrant shall make the notification by means of a voter registration form as described in G.S. 163-82.3, or by another written notice, signed by the registrant, that includes the registrant's full name, former residence address, new residence address, and ~~date of moving~~ the registrant's attestation that the registrant moved at least 30 days before the next primary or election from the old to the new address."

SECTION 2.1. G.S. 163-57(1) reads as rewritten:

"(1) That place shall be considered the residence of a person in which that person's habitation is fixed, and to which, whenever that person is absent, that person has the intention of returning.

- a. In the event that a person's habitation is divided by a State, county, municipal, precinct, ward, or other election district, then the location of the bedroom or usual sleeping area for that person with respect to the location of the boundary line at issue shall be controlling as the residency of that person.
- b. If the person disputes the determination of residency, the person may request a hearing before the county board of elections making the determination of residency. The procedures for notice of hearing and the conduct of the hearing shall be as provided in G.S. 163-86. The presentation of an accurate and current determination of a person's residence and the boundary line at issue by map or other means available shall constitute prima facie evidence of the geographic location of the residence of that person.
- c. In the event that a person's residence is not a traditional residence associated with real property, then the location of the usual sleeping area for that person shall be controlling as to the residency of that person. Residence shall be broadly construed to provide all persons with the opportunity to register and to vote, including

stating a mailing address different from residence address."

SECTION 3.(a) G.S. 163-87 reads as rewritten:

"§ 163-87. Challenges allowed on day of primary or election.

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the precinct may exercise the right of challenge, and when he does so may enter the voting enclosure to make the challenge, but he shall retire therefrom as soon as the challenge is heard.

On the day of a primary or election, any other registered voter of the precinct may challenge a person for one or more of the following reasons:

- (1) One or more of the reasons listed in G.S. ~~163-85(e), or 163-85(c).~~
- (2) That the person has already voted in that primary or ~~election, or election.~~
- (3) That the person presenting himself to vote is not who he represents himself to be.
- (4) If the challenge is made with respect to voting in a partisan primary, that the person is a registered voter of another political party.

~~On the day of a party primary, any voter of the precinct who is registered as a member of the political party conducting the primary may, at the time any registrant proposes to vote, challenge his right to vote upon the ground that he does not affiliate with the party conducting the primary or does not in good faith intend to support the candidates nominated in that party's primary, and it shall be the duty of the chief judge and judges of election to determine whether or not the challenged registrant has a right to vote in that primary according to the procedures prescribed in G.S. 163-88; provided that no challenge may be made on the grounds specified in the paragraph against an unaffiliated voter voting in the primary under G.S. 163-74(a1).~~

The chief judge, judge, or assistant appointed under G.S. 163-41 or 163-42 may enter challenges under this section against voters in the precinct for which appointed regardless of the place of residence of the chief judge, judge, or assistant.

If a person is challenged under this subsection, and the challenge is sustained under G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may be challenged at the precinct to which the registration is being transferred.

SECTION 3.(b) G.S. 163-90.2 reads as rewritten:

"§ 163-90.2. Action when challenge sustained, overruled, or dismissed.

(a) When any challenge is sustained for any cause listed under G.S. 163-85(c), the board shall cancel or correct the voter registration of the ~~voter and shall remove his card from the book, but voter.~~ The board shall maintain such record for at least six months and during the pendency of any appeal. The challenged ballot shall be counted for any ballot items for which the

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challenged voter is eligible to vote, as if it were a provisional official ballot under the provisions of G.S. 163-166.11(4).

~~(b) When any challenge heard under G.S. 163-88 or 163-89 is sustained on the ground that the voter is not affiliated with the political party shown on his registration record, the board shall change the voter's party affiliation to "unaffiliated."~~

(c) When any challenge made under G.S. 163-85 is overruled or dismissed, the board shall erase the word "challenged" which appears on the person's registration records.

(d) A decision by a county board of elections on any challenge made under the provisions of this Article shall be appealable to the Superior Court of the county in which the offices of that board are located within 10 days. Only those persons against whom a challenge is sustained or persons who have made a challenge which is overruled shall have standing to file such appeal."

SECTION 4. G.S. 163-165(6) reads as rewritten:

"(6) "Provisional official ballot" means an official ballot that is voted and then placed in an envelope that contains an affidavit signed by the voter certifying identity and eligibility to vote. Except for its envelope, a provisional official ballot shall not be marked to make it identifiable to the voter."

SECTION 4.1.(a) G.S. 163-278.19(a) reads as rewritten:

"(a) Except as provided in subsections ~~(a2)~~, (b), (d), (e), (f), and (g) of this section it shall be unlawful for any corporation, business entity, labor union, professional association or insurance company directly or indirectly:

- (1) To make any contribution to a candidate or political committee ~~(except a loan of money by a national or State bank or federal or State savings and loan association made in accordance with the applicable banking or savings and loan association laws and regulations and in the ordinary course of business)~~ or to make any expenditure to support or oppose the nomination or election of a clearly identified candidate;
- (2) To pay or use or offer, consent or agree to pay or use any of its money or property for any contribution to a candidate or political committee or for any expenditure to support or oppose the nomination or election of a clearly identified candidate; or
- (3) To compensate, reimburse, or indemnify any person or individual for money or property so used or for any contribution or expenditure so made;

and it shall be unlawful for any officer, director, stockholder, attorney, agent or member of any corporation, business entity, labor union, professional association or insurance company to aid, abet, advise or consent to any such contribution or expenditure, or for any person or individual to solicit or knowingly receive any such contribution or expenditure. Supporting or opposing

the election of clearly identified candidates includes supporting or opposing the candidates of a clearly identified political party. Any officer, director, stockholder, attorney, agent or member of any corporation, business entity, labor union, professional association or insurance company aiding or abetting in any contribution or expenditure made in violation of this section shall be guilty of a Class 2 misdemeanor, and shall in addition be liable to such corporation, business entity, labor union, professional association or insurance company for the amount of such contribution or expenditure, and the same may be recovered of him upon suit by any stockholder or member thereof."

SECTION 4.1.(b) G.S. 163-278.19 is amended by adding a new subsection to read:

"(a2) Proceeds of loans made in the ordinary course of business by financial institutions may be used for contributions made in compliance with this Chapter. Financial institutions may also grant revolving credit to political committees and referendum committees in the ordinary course of business."

SECTION 4.1.(c) G.S. 163-278.15 reads as rewritten:

"§ 163-278.15. No acceptance of contributions made by corporations, foreign and domestic.

(a) No candidate, political committee, political party, or treasurer shall accept any contribution made by any corporation, foreign or domestic, regardless of whether such corporation does business in the State of North Carolina. This section does not apply with regard to entities permitted to make contributions by G.S. 163-278.19(f).

(b) A candidate or political committee may accept a contribution knowing that the contribution is the proceeds of a loan made in the ordinary course of business by a financial institution if all of the following conditions are met:

- (1) The full amount of the loan is secured by collateral placed, or by guaranties given, by one or more individuals or entities who are not prohibited by this Article from making contributions to the candidate or political committee. The value of the collateral posted by each individual or entity, or the amount of each guaranty, may not exceed the contribution limitations applicable under this Article to each individual or entity. The value of collateral posted may exceed the contribution limitations applicable under this Article in cases where the amount of the loan secured by that collateral does not exceed the contribution limitations applicable to the individual or entity.
- (2) During the time that any loan remains outstanding and unpaid, then the value of any collateral posted, or the amount of each guaranty, for that loan shall be considered to be a contribution by the individual or entity securing the loan. If the loan, or any portion of the loan, is repaid to the financial institution by the candidate or political

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committee to whom the loan was made during the contribution limitation period for the same "election" as defined in G.S. 163-278.13(d) in which the loan was made, the individual or entity securing the loan shall be eligible to further contribute to that candidate or political committee up to the amount of the repayment. If multiple individuals or entities secured the loan that is repaid to the financial institution by the candidate or political committee, then the amount repaid shall be prorated amongst the multiple individuals or entities.

- (3) If the loan is to the candidate or political committee, only the candidate, the candidate's spouse, or the political committee to whom the loan was made may repay the loan.

The State Board of Elections shall develop forms for reporting the proceeds of loans in a full and accurate manner."

SECTION 4.2. Section 23A.3 of S.L. 2005-276 is repealed.

SECTION 4.3. G.S. 163-278.19(e) reads as rewritten:

"(e) Notwithstanding the prohibitions specified in this Article and Article 22 of this Chapter, a political committee organized under provisions of this Article shall be entitled to receive and the corporation, business entity, labor union, professional association, or insurance company designated on the committee's organizational report as the parent entity of the employees or members who organized the committee is authorized to give reasonable administrative support that shall ~~include include, but not be limited to,~~ record keeping, computer services, billings, mailings to members of the committee, membership development, fund-raising activities, office supplies, office space, and such other support as is reasonably necessary for the administration of the committee.

The approximate cost of any ~~record keeping, computer services, billings, mailings, office supplies, and office space provided on a continuing basis~~ reasonable administrative support shall be submitted to the committee, in writing, and the committee shall include that cost on the report required by G.S. 163-278.9(a)(6). Also included in the report shall be the approximate allocable portion of the compensation of any officer or employee of the corporation, business entity, labor union, professional association, or insurance company who has devoted more than thirty-five percent (35%) of his time during normal business hours of the corporation, business entity, labor union, professional association, or insurance company during the period covered by the required report. The approximate cost submitted by the parent corporation, business entity, labor union, professional association, or insurance company shall be entered on the committee's report as the final entry on its list of "contributions" and a copy of the written approximate cost received by it shall be attached.

The reasonable administrative support given by a corporation, business entity, labor union, professional association, or insurance company shall be designated on the books of the corporation, business entity, labor union,

professional association, or insurance company as such and may not be treated by it as a business deduction for State income tax purposes."

SECTION 5. Section 4 of this act becomes effective January 1, 2007. The remainder of this act is effective when it becomes law, except that any criminal penalty resulting from this act becomes effective October 1, 2006. Prosecutions for offenses committed before October 1, 2006, are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Upon motion of Senator Clodfelter, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1843** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES, TO AMEND THE LOBBYING LAWS, AND TO MAKE CONFORMING CHANGES, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1843, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT, TO CREATE THE STATE ETHICS COMMISSION, TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS, TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES, TO AMEND THE LOBBYING LAWS, AND TO MAKE CONFORMING CHANGES, Senate Finance Committee Substitute Adopted 7/19/06 Sixth Edition Engrossed 7/19/06, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 7/19/06 Sixth Edition Engrossed 7/19/06, 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 H1843-PCCS-30641-ST-5.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 27, 2006.

Conferees for the Senate

S/Daniel G. Clodfelter, Chair
S/Tony Rand
S/Martin L. Nesbitt, Jr.
S/Janet Cowell
S/Richard Stevens
S/Peter S. "Pete" Brunstetter
S/Fletcher L. Hartsell, Jr.

Conferees for the House of Representatives

S/Joe Hackney, Chair
S/Deborah K. Ross
S/Martha B. Alexander
S/Larry M. Bell
S/Grier Martin
S/Julia C. Howard
S/Bill Owens
S/Henry M. Michaux, Jr.
S/Becky Carney
S/Nelson Cole
S/Rick L. Eddins
S/Jeff Barnhart
S/Pricey Harrison
S/Pryor Gibson

The text of the attached Proposed Conference Committee Substitute, H1843-PCCS-30641-ST-5 is as follows:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT; TO CREATE THE STATE ETHICS COMMISSION; TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS; TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES; TO AMEND THE LOBBYING LAWS; AND TO MAKE CONFORMING CHANGES.

Whereas, the people of North Carolina entrust public power to elected and appointed officials for the purpose of furthering the public, not private or personal, interest; and

Whereas, to maintain the public trust, it is essential that government function honestly and fairly, free from all forms of impropriety, threats, favoritism, and undue influence; and

Whereas, elected and appointed officials must maintain and exercise the highest standards of duty to the public in carrying out the responsibilities and functions of their positions; and

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Whereas, acceptance of authority granted by the people to elected and appointed officials imposes a commitment of fidelity to the public interest, and the power so entrusted should not be used to advance narrow interests for oneself or others; and

Whereas, self-interest, partiality, and prejudice have no place in decision making for the public good; and

Whereas, public officials must exercise their duties responsibly with skillful judgment and energetic dedication; and

Whereas, public officials must exercise discretion with sensitive information pertaining to public and private persons and activities; and

Whereas, to maintain the integrity of North Carolina's State government, those citizens entrusted with authority must exercise it for the good of the public and treat every citizen with courtesy, attentiveness, and respect; and

Whereas, because many public officials serve on a part-time basis, it is inevitable that conflicts of interest and appearances of conflicts will occur. Often these conflicts are unintentional and slight, but at every turn those public officials who represent the people of this State must ensure that it is the interests of the people, and not their own, that are being served. Officials should be prepared to remove themselves immediately from decisions, votes, or processes where a conflict of interest exists; Now, therefore,
The General Assembly of North Carolina enacts:

PART I. ENACT THE STATE GOVERNMENT ETHICS ACT.

SECTION 1. The General Statutes are amended by adding a new Chapter to read:

"Chapter 138A.
"State Government Ethics Act.
"Article 1.
"General Provisions.

"§ 138A-1. Title.

This Chapter shall be known and may be cited as the 'State Government Ethics Act'.

"§ 138A-2. Purpose.

The purpose of this Chapter is to ensure that elected and appointed State agency officials exercise their authority honestly and fairly, free from impropriety, threats, favoritism, and undue influence. To this end, it is the intent of the General Assembly in this Chapter to ensure that standards of ethical conduct and standards regarding conflicts of interest are clearly established for elected and appointed State agency officials, that the State continually educates these officials on matters of ethical conduct and conflicts of interest, that potential and actual conflicts of interests are identified and resolved, and that violations of standards of ethical conduct and conflicts of interest are investigated and properly addressed.

"§ 138A-3. Definitions.

The following definitions apply in this Chapter:

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- (1) Board. – Any State board, commission, council, committee, task force, authority, or similar public body, however denominated, created by statute or executive order, as determined and designated by the Commission, except for those public bodies that have only advisory authority.
- (2) Business. – Any of the following organized for profit:
 - a. Association.
 - b. Business trust.
 - c. Corporation.
 - d. Enterprise.
 - e. Joint venture.
 - f. Organization.
 - g. Partnership.
 - h. Proprietorship.
 - i. Vested trust.
 - j. Every other business interest, including ownership or use of land for income.
- (3) Business with which associated. – A business in which the person or any member of the person's immediate family does any of the following:
 - a. Is an employee.
 - b. Holds a position as a director, officer, partner, proprietor, or member or manager of a limited liability company, irrespective of the amount of compensation received or the amount of the interest owned.
 - c. Owns a legal, equitable, or beneficial interest of ten thousand dollars (\$10,000) or more in the business or five percent (5%) of the business, whichever is less, other than as a trustee on a deed of trust.

For purposes of this subdivision, the term 'business' shall not include a widely held investment fund, including a mutual fund, regulated investment company, or pension or deferred compensation plan, if all of the following apply:

 - a. The person or a member of the person's immediate family neither exercises nor has the ability to exercise control over the financial interests held by the fund.
 - b. The fund is publicly traded, or the fund's assets are widely diversified.
- (4) Commission. – The State Ethics Commission.
- (5) Committee. – The Legislative Ethics Committee as created in Part 3 of Article 14 of Chapter 120 of the General Statutes.

- (6) Compensation. – Any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered or to be rendered by that person or another. This term does not include campaign contributions properly received and, reported as required by Article 22A of Chapter 163 of the General Statutes.
- (7) Confidential information. – Information defined as confidential by the law.
- (8) Constitutional officers of the State. – Officers whose offices are established by Article III of the North Carolina Constitution.
- (9) Contract. – Any agreement, including sales and conveyances of real and personal property, and agreements for the performance of services.
- (10) Covered person. – A legislator, public servant, or judicial officer, as identified by the Commission under G.S. 138A-11.
- (11) Economic interest. – Matters involving a business with which associated or a nonprofit corporation or organization with which associated.
- (12) Employing entity. – For public servants, any of the following bodies of State government of which the public servant is an employee or a member, or over which the public servant exercises supervision: agencies, authorities, boards, commissions, committees, councils, departments, offices, institutions and their subdivisions, and constitutional offices of the State. For legislators, it is the house of which the legislator is a member. For legislative employees, it is the authority that hired the individual. For judicial employees, it is the Chief Justice.
- (13) Extended family. – Spouse, lineal descendant, lineal ascendant, sibling, spouse's lineal ascendant, spouse's lineal descendant, spouse's sibling, and the spouse of any of these persons.
- (14) Filing person. – A person required to file a statement of economic interest under G. S. 138A-22.
- (15) Gift. – Anything of monetary value given or received without valuable consideration by or from a lobbyist, lobbyist principal, or a person described under G.S. 138A-32(d)(1), (2), or (3). The following shall not be considered gifts under this subdivision:
- a. Anything for which fair market value, or face value if shown, is paid by the covered person or legislative employee.
 - b. Commercially available loans made on terms not more favorable than generally available to the

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- general public in the normal course of business if not made for the purpose of lobbying.
- c. Contractual arrangements or commercial relationships or arrangements made in the normal course of business if not made for the purpose of lobbying.
 - d. Academic or athletic scholarships based on the same criteria as applied to the public.
 - e. Campaign contributions properly received and reported as required under Article 22A of Chapter 163 of the General Statutes.
- (16) Honorarium. – Payment for services for which fees are not legally or traditionally required.
- (17) Immediate family. – An unemancipated child of the covered person residing in the household and the covered person's spouse, if not legally separated. A member of a covered person's extended family shall also be considered a member of the immediate family if actually residing in the covered person's household.
- (18) Judicial employee. – The director and assistant director of the Administrative Office of the Courts and any other person, designated by the Chief Justice, employed in the Judicial Department whose annual compensation from the State is sixty thousand dollars (\$60,000) or more.
- (19) Judicial officer. – Justice or judge of the General Court of Justice, district attorney, clerk of court, or any person elected or appointed to any of these positions prior to taking office.
- (20) Legislative action. – As the term is defined in G.S. 120C-100.
- (21) Legislative employee. – As the term is defined in G.S. 120C-100.
- (22) Legislator. – A member or presiding officer of the General Assembly, or a person elected or appointed a member or presiding officer of the General Assembly before taking office.
- (23) Lobbying. – As the term is defined in G.S. 120C-100.
- (24) Nonprofit corporation or organization with which associated. – Any public or private enterprise, incorporated or otherwise, that is organized or operating in the State primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes and of which the person or any member of the person's immediate family is a director, officer, governing board member, employee, or independent contractor as of December 31 of the preceding year.

- (25) Official action. – Any decision, including administration, approval, disapproval, preparation, recommendation, the rendering of advice, and investigation, made or contemplated in any proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, investigation, charge, or rule making.
- (26) Participate. – To take part in, influence, or attempt to influence, including acting through an agent or proxy.
- (27) Person. – Any individual, firm, partnership, committee, association, corporation, business, or any other organization or group of persons acting together.
- (28) Political party. – Either of the two largest political parties in the State based on statewide voter registration at the applicable time.
- (29) Public event. – Any of the following:
- a. For legislators and legislative employees:
 1. An organized gathering of persons open to the general public to which all legislators or legislative employees are invited to attend.
 2. An organized gathering of a person to which a legislator or legislative employee is invited along with the entire membership of the House of Representatives, Senate, a committee, a standing subcommittee, a county legislative delegation, a municipal legislative delegation, a joint committee, a joint commission, or a recognized legislative caucus with regular meetings other than meetings with one or more lobbyists, and one of the following apply:
 - I. At least 10 individuals associated with the person actually attend, other than the legislator or legislative employee, or the immediate family of the legislator or legislative employee.
 - II. All shareholders, employees, board members, officers, members, or subscribers of the person located in North Carolina are notified and invited to attend.

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III. The person is a governmental body and the gathering is subject to the open meetings law.

- b. For public servants:
1. An organized gathering of individuals open to the general public to which at least 10 public servants are invited to attend.
 2. An organized gathering of a governmental body, the gathering of which is subject to the open meetings law, and to which at least 10 public servants are invited to attend.
 3. An organized gathering of a person to which at least 10 public servants are invited to attend and to which at least 10 individuals, other than the public servant, or the public servant's immediate family, actually attend, or to which all shareholders, employees, board members, officers, members, or subscribers of the person who are located in a specific North Carolina office or county are notified and invited to attend.

(30) Public servants. – All of the following:

- a. Constitutional officers of the State and persons elected or appointed as constitutional officers of the State prior to taking office.
- b. Employees of the Office of the Governor.
- c. Heads of all principal State departments, as set forth in G.S. 143B-6, who are appointed by the Governor.
- d. The chief deputy and chief administrative assistant of each person designated under sub-subdivision a. or c. of this subdivision.
- e. Confidential assistants and secretaries as defined in G.S. 126-5(c)(2), to persons designated under sub-subdivision a., c., or d. of this subdivision.
- f. Employees in exempt positions designated in accordance with G.S. 126-5(d)(1), (2), or (2a) and confidential secretaries to these individuals.
- g. Any other employees or appointees in the principal State departments as may be designated by the Governor to the extent that the

designation does not conflict with the State Personnel Act.

- h. Judicial employees.
- i. All voting members of boards, including ex officio members and members serving by executive, legislative, or judicial branch appointment.
- j. For The University of North Carolina, the voting members of the Board of Governors of The University of North Carolina, the president, the vice-presidents, and the chancellors, the vice-chancellors, and voting members of the boards of trustees of the constituent institutions.
- k. For the Community College System, the voting members of the State Board of Community Colleges, the President and the chief financial officer of the Community College System, the president, chief financial officer, and chief administrative officer of each community college, and voting members of the boards of trustees of each community college.
- l. Members of the Commission.
- m. Persons under contract with the State working in or against a position included under this subdivision.

(31) Vested trust. – A trust, annuity, or other funds held by a trustee or other third party for the benefit of the covered person or a member of the covered person's immediate family. A vested trust shall not include a widely held investment fund, including a mutual fund, regulated investment company, or pension or deferred compensation plan, if:

- a. The covered person or a member of the covered person's immediate family neither exercises nor has the ability to exercise control over the financial interests held by the fund; and
- b. The fund is publicly traded, or the fund's assets are widely diversified.

"§ 138A-4. Application to Lieutenant Governor.

For purposes of this Chapter, the Lieutenant Governor shall be considered a legislator when carrying out the Lieutenant Governor's duties under Sec. 13 of Article II of the Constitution, and a public servant for all other purposes.

"§ 138A-5: [Reserved]

"Article 2.

"State Ethics Commission.

"§ 138A-6. State Ethics Commission established.

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There is established the State Ethics Commission.

"§ 138A-7. Membership.

(a) The Commission shall consist of eight members. Four members shall be appointed by the Governor, of whom no more than two shall be of the same political party. Four members shall be appointed by the General Assembly, two upon the recommendation of the Speaker of the House of Representatives, neither of whom shall be of the same political party, and two upon the recommendation of the President Pro Tempore of the Senate, neither of whom shall be of the same political party. Members shall serve for four-year terms, beginning January 1, 2007, except for the initial terms that shall be as follows:

- (1) Two members appointed by the Governor shall serve an initial term of one year.
- (2) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate, shall serve initial terms of two years.
- (3) Two members appointed by the Governor shall serve initial terms of three years.
- (4) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one member upon the recommendation of the President Pro Tempore of the Senate, shall serve initial terms of four years.

(b) Members shall be removed from the Commission only for misfeasance, malfeasance, or nonfeasance. Members appointed by the Governor may be removed by the Governor. Members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be removed by the Governor upon the recommendation of the Speaker. Members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate shall be removed by the Governor upon the recommendation of the President Pro Tempore.

(c) Vacancies in appointments made by the Governor shall be filled by the Governor for the remainder of any unfulfilled term. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122 for the remainder of any unfulfilled term.

(d) No member while serving on the Commission or employee while employed by the Commission shall:

- (1) Hold or be a candidate for any other office or place of trust or profit under the United States, the State, or a political subdivision of the State.
- (2) Hold office in any political party above the precinct level.
- (3) Participate in or contribute to the political campaign of any covered person or any candidate for a public office as a covered person over which the Commission would have jurisdiction or authority.

(4) Otherwise be an employee of the State, a community college, or a local school system, or serve as a member of any other State board.

(e) The Governor shall annually appoint a member of the Commission to serve as chair of the Commission. The Commission shall elect a vice-chair annually from its membership. The vice-chair shall act as the chair in the chair's absence or if there is a vacancy in that position.

(f) Members of the Commission shall receive no compensation for service on the Commission but shall be reimbursed for subsistence, travel, and convention registration fees as provided under G.S. 138-5 or 138-7, as applicable.

"§ 138A-8. Meetings and quorum.

The Commission shall meet at least quarterly and at other times as called by its chair or by four of its members. In the case of a vacancy in the chair, meetings may be called by the vice-chair. Five members of the Commission constitute a quorum.

"§ 138A-9. Staff and offices.

The Commission may employ professional and clerical staff, including an executive director. The Commission shall be located within the Department of Administration for administrative purposes only, but shall exercise all of its powers, including the power to employ, direct, and supervise all personnel, independently of the Secretary of Administration, and is subject to the direction and supervision of the Secretary of Administration only with respect to the management functions of coordinating and reporting.

"§ 138A-10. Powers and duties.

(a) In addition to other powers and duties specified in this Chapter, the Commission shall:

- (1) Provide reasonable assistance to covered persons in complying with this Chapter.
- (2) Develop readily understandable forms, policies, and procedures to accomplish the purposes of the Chapter.
- (3) Identify and publish the following:
 - a. A list of nonadvisory boards.
 - b. The names of persons subject to this Chapter as covered persons and legislative employees under G.S. 138A-11.
- (4) Receive and review all statements of economic interests filed with the Commission by prospective and actual covered persons and evaluate whether (i) the statements conform to the law and the rules of the Commission, and (ii) the financial interests and other information reported reveals actual or potential conflicts of interest.
- (5) Conduct inquiries of alleged violations against judicial officers, legislators, and legislative employees in accordance with G.S. 138A-12.
- (6) Conduct inquiries into alleged violations against public servants in accordance with G.S. 138A-12.

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- (7) Render advisory opinions in accordance with G.S. 138A-13 and G.S. 120C-102.
- (8) Initiate and maintain oversight of ethics educational programs for public servants and their staffs, and legislators and legislative employees, consistent with G.S. 138A-14.
- (9) Conduct a continuing study of governmental ethics in the State and propose changes to the General Assembly in the government process and the law as are conducive to promoting and continuing high ethical behavior by governmental officers and employees.
- (10) Adopt procedures and guidelines to implement this Chapter.
- (11) Report annually to the General Assembly and the Governor on the Commission's activities and generally on the subject of public disclosure, ethics, and conflicts of interest, including recommendations for administrative and legislative action, as the Commission deems appropriate.
- (12) Publish annually statistics on complaints filed with or considered by the Commission, including the number of complaints filed, the number of complaints referred under G.S. 138A-12(b), the number of complaints dismissed under G.S. 138A-12(c)(4), the number of complaints dismissed under G.S. 138A-12(f), the number of complaints referred for criminal prosecution under G.S. 138A-12, the number of complaints dismissed under G.S. 138A-12(h), the number of complaints referred for appropriate action under G.S. 138A-12(h) or G.S. 138A-12(k)(3), and the number of complaints pending action by the Commission.
- (13) Perform other duties as may be necessary to accomplish the purposes of this Chapter.

(b) The Commission may authorize the Executive Director and other staff of the Commission to evaluate statements of economic interest on behalf of the Commission as authorized under subdivision (a)(4) of this section.

"§ 138A-11. Identify and publish names of covered persons and legislative employees.

The Commission shall identify and publish at least quarterly a listing of the names and positions of all persons subject to this Chapter as covered persons or legislative employees. The Commission shall also identify and publish at least annually a listing of all boards to which this Chapter applies. This listing may be published electronically on a public Internet Web site maintained by the Commission.

"§ 138A-12. Inquiries by the Commission.

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(a) Jurisdiction. – The Commission may receive complaints alleging unethical conduct by covered persons and legislative employees and shall conduct inquiries of complaints alleging unethical conduct by covered persons and legislative employees, as set forth in this section.

(b) Institution of Proceedings. – On its own motion, in response to a signed and sworn complaint of any individual filed with the Commission, or upon the written request of any public servant or any person responsible for the hiring, appointing, or supervising of a public servant, the Commission shall conduct an inquiry into any of the following:

- (1) The application or alleged violation of this Chapter.
- (2) For legislators, the application of alleged violations of Part 1 of Article 14 of Chapter 120 of the General Statutes.
- (3) An alleged violation of the criminal law by a covered person in the performance of that individual's official duties.
- (4) An alleged violation of G.S. 126-14.

Allegations of violations of the Code of Judicial Conduct shall be referred to the Judicial Standards Commission without investigation.

(c) Complaint. –

- (1) A sworn complaint filed under this Chapter shall state the name, address, and telephone number of the person filing the complaint, the name and job title or appointive position of the person against whom the complaint is filed, and a concise statement of the nature of the complaint and specific facts indicating that a violation of this Chapter or Chapter 120 of the General Statutes has occurred, the date the alleged violation occurred, and either (i) that the contents of the complaint are within the knowledge of the individual verifying the complaint, or (ii) the basis upon which the individual verifying the complaint believes the allegations to be true.
- (2) Except as provided in subsection (d) of this section, a complaint filed under this Chapter must be filed within two years of the date the complainant knew or should have known of the conduct upon which the complaint is based.
- (3) The Commission may decline to accept, refer, or conduct an inquiry into any complaint that does not meet all of the requirements set forth in subdivision (1) of this subsection, or the Commission may, in its sole discretion, request additional information to be provided by the complainant within a specified period of time of no less than seven business days.
- (4) In addition to subdivision (3) of this subsection, the Commission may decline to accept, refer, or conduct an

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inquiry into a complaint if it determines that any of the following apply:

- a. The complaint is frivolous or brought in bad faith.
- b. The individuals and conduct complained of have already been the subject of a prior complaint.
- c. The conduct complained of is primarily a matter more appropriately and adequately addressed and handled by other federal, State, or local agencies or authorities, including law enforcement authorities. If other agencies or authorities are conducting an investigation of the same actions or conduct involved in a complaint filed under this section, the Commission may stay its complaint inquiry pending final resolution of the other investigation.

- (5) The Commission shall send a copy of the complaint to the covered person or legislative employee who is the subject of the complaint and the employing entity, within 30 days of the filing.

(d) Conduct of Inquiry of Complaints by the Commission. – The Commission shall conduct an inquiry into all complaints properly before the Commission in a timely manner. The Commission shall initiate an inquiry into a complaint within 60 days of the filing of the complaint. The Commission is authorized to initiate inquiries upon request of any member of the Commission if there is reason to believe that a covered person or legislative employee has or may have violated this Chapter. Commission-initiated complaint inquiries under this section shall be initiated within two years of the date the Commission knew of the conduct upon which the complaint is based, except when the conduct is material to the continuing conduct of the duties in office. In determining whether there is reason to believe that a violation has or may have occurred, a member of the Commission may take general notice of available information even if not formally provided to the Commission in the form of a complaint. The Commission may utilize the services of a hired investigator when conducting inquiries.

(e) Covered Person and Legislative Employees Cooperation With Inquiry. – Covered persons and legislative employees shall promptly and fully cooperate with the Commission in any Commission-related inquiry. Failure to cooperate fully with the Commission in any inquiry shall be grounds for sanctions as set forth in G.S. 138A-45.

(f) Dismissal of Complaint After Preliminary Inquiry. – If the Commission determines at the end of its preliminary inquiry that (i) the individual who is the subject of the complaint is not a covered person or legislative employee subject to the Commission's jurisdiction and authority under this Chapter, or (ii) the complaint does not allege facts sufficient to constitute a violation of this Chapter, the Commission shall dismiss the complaint.

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(g) Commission Inquiries. – If at the end of its preliminary inquiry, the Commission determines to proceed with further inquiry into the conduct of a covered person or legislative employee, the Commission shall provide written notice to the individual who filed the complaint and the covered person or legislative employee as to the fact of the inquiry and the charges against the covered person or legislative employee. The covered person or legislative employee shall be given an opportunity to file a written response with the Commission.

(h) Action on Inquiries. – The Commission shall conduct inquiries into complaints to the extent necessary to either dismiss the complaint for lack of probable cause of a violation under this section, or:

- (1) For public servants, decide to proceed with a hearing under subsection (i) of this section.
- (2) For legislators, except the Lieutenant Governor, refer the complaint to the Committee.
- (3) For judicial officers, refer the complaint to the Judicial Standards Commission for complaints against justices and judges, to the senior resident superior court judge of the district or county for complaints against district attorneys, or to the chief district court judge for the district or county for complaints against clerks of court.
- (4) For legislative employees, refer the complaint to the employing entity.

(i) Hearing. –

- (1) The Commission shall give full and fair consideration to all complaints received against a public servant. If the Commission determines that the complaint cannot be resolved without a hearing, or if the public servant requests a hearing, a hearing shall be held.
- (2) The Commission shall send a notice of the hearing to the complainant, and the public servant. The notice shall contain the time and place for a hearing on the matter, which shall begin no less than 30 days and no more than 90 days after the date of the notice.
- (3) The Commission shall make available to the public servant prior to a hearing all relevant information collected by the Commission in connection with its investigation of a complaint.
- (4) At any hearing held by the Commission:
 - a. Oral evidence shall be taken only on oath or affirmation.
 - b. The hearing shall be held in closed session unless the public servant requests that the hearing be held in open session. In any event, the deliberations by the Commission on a complaint may be held in closed session.

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- c. The public servant being investigated shall have the right to present evidence, call and examine witnesses, cross-examine witnesses, introduce exhibits, and be represented by counsel.

(j) Settlement of Inquiries. – The public servant who is the subject of the complaint and the staff of the Commission may meet by mutual consent before the hearing to discuss the possibility of settlement of the inquiry or the stipulation of any issues, facts, or matters of law. Any proposed settlement of the inquiry is subject to the approval of the Commission.

(k) Disposition of Inquiries. – After hearing, the Commission shall dispose of the matter in one or more of the following ways:

- (1) If the Commission finds substantial evidence of an alleged violation of a criminal statute, the Commission shall refer the matter to the Attorney General for investigation and referral to the district attorney for possible prosecution.
- (2) If the Commission finds that the alleged violation is not established by clear and convincing evidence, the Commission shall dismiss the complaint.
- (3) If the Commission finds that the alleged violation of this Chapter is established by clear and convincing evidence, the Commission shall do one or more of the following:
 - a. Issue a private admonishment to the public servant and notify the employing entity, if applicable. Such notification shall be treated as part of the personnel record of the public servant.
 - b. Refer the matter for appropriate action to the Governor and the employing entity that appointed or employed the public servant or of which the public servant is a member.
 - c. Refer the matter for appropriate action to the Chief Justice for judicial employees.
 - d. Refer the matter to the Principal Clerks of the House of Representatives and Senate of the General Assembly for constitutional officers of the State.
 - e. Refer the matter for appropriate action to the principal clerk of the house of the General Assembly that elected the public servant for members of the Board of Governors.

(l) Notice of Dismissal. – Upon the dismissal of a complaint under this section, the Commission shall provide written notice of the dismissal to the individual who filed the complaint and the person against whom the complaint was filed. The Commission shall forward copies of complaints and notices of dismissal of complaints against legislators to the Committee, against legislative employees to the employing entity for legislative employees, and against

judicial officers to the Judicial Standards Commission for complaints against justices and judges, and the senior resident superior court judge of the district or county for complaints against district attorneys, or the chief district court judge of the district or county for complaints against clerks of court.

(m) Reports and Records. – The Commission shall render the results of its inquiry in writing. When a matter is referred under subdivision (h)(2) and (3), or subsection (k) of this section, the Commission's report shall consist of the complaint, response, and detailed results of its inquiry in support of the Commission's finding of a violation under this Chapter.

(n) Confidentiality. – Complaints and responses filed with the Commission and reports and other investigative documents and records of the Commission connected to an inquiry under this section shall be confidential and not matters of public record, except when the covered person or legislative employee under inquiry requests in writing that the records and findings be made public prior to the time the employing entity imposes public sanctions. At such time as public sanctions are imposed on a covered person, the complaint, response, and Commission's report to the employing entity shall be made public.

(o) Recommendations of Sanctions. – After referring a matter under subsection (k) of this section, if requested by the entity to which the matter was referred, the Commission may recommend sanctions or issue rulings as it deems necessary or appropriate to protect the public interest and ensure compliance with this Chapter. In recommending appropriate sanctions, the Commission may consider the following factors:

- (1) The public servant's prior experience in an agency or on a board and prior opportunities to learn the ethical standards for a public servant as set forth in Article 4 of this Chapter, including those dealing with conflicts of interest.
- (2) The number of ethics violations.
- (3) The severity of the ethics violations.
- (4) Whether the ethics violations involve the public servant's financial interests or arise from an appearance of conflict of interest.
- (5) Whether the ethics violations were inadvertent or intentional.
- (6) Whether the public servant knew or should have known that the improper conduct was a violation of this Chapter.
- (7) Whether the public servant has previously been advised or warned by the Commission.
- (8) Whether the conduct or situation giving rise to the ethics violation was pointed out to the public servant in the Commission's Statement of Economic Interest evaluation letter issued under G.S. 138A-24(e).
- (9) The public servant's motivation or reason for the improper conduct or action, including whether the action was for personal financial gain versus protection of the public interest.

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In making recommendations under this subsection, if the Commission determines, after proper review and investigation, that sanctions are appropriate, the Commission may recommend any action it deems necessary to properly address and rectify any violation of this Chapter by a public servant, including removal of the public servant from the public servant's State position. Nothing in this subsection is intended, and shall not be construed, to give the Commission any independent civil, criminal, or administrative investigative or enforcement authority over covered persons, or other State employees or appointees.

(p) Authority of Employing Entity. – Any action or failure to act by the Commission under this Chapter, except G.S. 138A-13, shall not limit any authority of any of the applicable employing entities to discipline the covered person or legislative employee.

(q) Continuing Jurisdiction. – The Commission shall have continuing jurisdiction to investigate possible criminal violations of this Chapter for a period of one year following the date a person, who was formerly a public servant or legislative employee, ceases to be a public servant or legislative employee for any investigation that commenced prior to the date the public servant or legislative employee ceases to be a public servant or legislative employee.

(r) Subpoena Authority. – The Commission may petition the Superior Court of Wake County for the approval to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of alleged violations of this Chapter. The court shall authorize subpoenas under this subsection when the court determines the subpoenas are necessary for the enforcement of this Chapter. Subpoenas issued under this subsection shall be enforceable by the court through contempt powers. Venue shall be with the Superior Court of Wake County for any person covered by this Chapter, and personal jurisdiction may be asserted under G.S. 1-75.4.

(s) Reports. – The number of complaints referred under this section shall be reported under G.S. 138A-10(a)(12).

(t) Concurrent Jurisdiction. – Nothing in this section shall limit the jurisdiction of the Committee or the Judicial Standards Commission with regards to legislative or judicial misconduct, and jurisdiction under this section shall be concurrent with the jurisdiction of the Committee and the Judicial Standards Commission.

"§ 138A-13. Advisory opinions.

(a) At the request of any public servant or legislative employee, any individual who is responsible for the supervision or appointment of a person who is a public servant or legislative employee, legal counsel for any public servant, any ethics liaison under G.S. 138A-14, or any member of the Commission, the Commission shall render advisory opinions on specific questions involving the meaning and application of this Chapter and the public servant's or legislative employee's compliance therewith. The request shall be in writing, electronic or otherwise, and relate prospectively to real or reasonably anticipated fact settings or circumstances. On its own motion, the Commission may render advisory opinions on specific questions involving the meaning and

application of this Chapter. The Commission shall issue advisory opinions having prospective application only. Reliance upon a requested written advisory opinion on a specific matter shall immunize the public servant or legislative employee, on that matter, from both of the following:

- (1) Investigation by the Commission.
- (2) Any adverse action by the employing entity.

(b) At the request of a legislator, the Commission shall render recommended advisory opinions on specific questions involving the meaning and application of this Chapter and Part 1 of Article 14 of Chapter 120 of the General Statutes, and the legislator's compliance therewith. The request shall be in writing, electronic or otherwise, and relate prospectively to real or reasonably anticipated fact settings or circumstances. The Commission shall issue advisory opinions having prospective application only. Until action is taken by the Committee under G.S. 120-104, reliance upon a requested written advisory opinion on a specific matter shall immunize the legislator, on that matter, from both of the following:

- (1) Investigation by the Committee or Commission.
- (2) Any adverse action by the house of which the legislator is a member.

Any advisory opinion issued to a legislator under this subsection shall immediately be delivered to the chairs of the Committee. Except for the Lieutenant Governor, the immunity granted under this subsection shall not apply after the time the Committee modifies or overturns the advisory opinion of the Commission in accordance with G.S. 120-104.

(c) Staff to the Commission may issue advisory opinions under procedures adopted by the Commission.

(d) The Commission shall publish its advisory opinions at least once a year. These advisory opinions shall be edited for publication purposes as necessary to protect the identities of the individuals requesting opinions.

(e) Except as provided under subsection (d) of this section, requests for advisory opinions, and advisory opinions issued under this section, are confidential and not public records.

(f) This section shall not apply to judicial officers.

"§ 138A-14. Ethics education program.

(a) The Commission shall develop and implement an ethics education and awareness program designed to instill in all covered persons and their immediate staffs, and legislative employees, a keen and continuing awareness of their ethical obligations and a sensitivity to situations that might result in real or potential conflicts of interest or appearances of conflicts of interest.

(b) The Commission shall make basic ethics education and awareness presentations to all public servants and their immediate staffs, upon their election, appointment, or employment, and shall offer periodic refresher presentations as the Commission deems appropriate. Every public servant and the immediate staff of every public servant shall participate in an ethics presentation approved by the Commission within six months of the person's election, reelection, appointment, or employment, and shall attend refresher

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ethics education presentations at least every two years thereafter in a manner as the Commission deems appropriate.

(c) The Commission, jointly with the Committee, shall make basic ethics education and awareness presentations to all legislators and legislative employees upon their election, reelection, appointment, or employment and shall offer periodic refresher presentations as the Commission and the Committee deem appropriate. Every legislator and legislative employee shall participate in an ethics presentation approved by the Commission and Committee within three months of the person's election, reelection, appointment, or employment in a manner as the Commission and Committee deem appropriate.

(d) Upon request, the Commission shall assist each agency in developing in-house education programs and procedures necessary or desirable to meet the agency's particular needs for ethics education, conflict identification, and conflict avoidance.

(e) Each agency head shall designate an ethics liaison who shall maintain active communication with the Commission on all agency ethical issues. The ethics liaison shall continuously assess and advise the Commission of any issues or conduct which might reasonably be expected to result in a conflict of interest and seek advice and rulings from the Commission as to their appropriate resolution.

(f) The Commission shall publish a newsletter containing summaries of the Commission's opinions, policies, procedures, and interpretive bulletins as issued from time to time. The newsletter shall be distributed to all covered persons and legislative employees. Publication under this subsection may be done electronically.

(g) The Commission shall assemble and maintain a collection of relevant State laws, rules, and regulations that set forth ethical standards applicable to covered persons. This collection shall be made available electronically as resource material to public servants, and ethics liaisons, upon request.

(h) As used in this section, "immediate staff" means those individuals who report directly to the public servant.

(i) This section shall not apply to judicial officers.

"§ 138A-15. Duties of heads of State agencies.

(a) The head of each State agency, including the chair of each board subject to this Chapter, shall take an active role in furthering ethics in public service and ensuring compliance with this Chapter. The head of each State agency and the chair of each board shall make a conscientious, good-faith effort to assist public servants within the agency or on the board in monitoring their personal, financial, and professional affairs to avoid taking any action that results in a conflict of interest or the appearance of a conflict.

(b) The head of each State agency, including the chair of each board subject to this Chapter, shall maintain familiarity with and stay knowledgeable of the reports, opinions, newsletters, and other communications from the Commission regarding ethics in general and the interpretation and enforcement of this Chapter. The head of each State agency and the chair of each board shall

also maintain familiarity with and stay knowledgeable of the Commission's reports, evaluations, opinions, or findings regarding individual public servants in that person's agency or on that person's board, or under that person's supervision or control, including all reports, evaluations, opinions, or findings pertaining to actual or potential conflicts of interest.

(c) When an actual or potential conflict of interest is cited by the Commission under G.S. 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with this Chapter.

(d) The head of each State agency, including the chair of each board subject to this Chapter, shall periodically remind public servants under that person's authority of the public servant's duties to the public under the ethical standards and rules of conduct in this Chapter, including the duty of each public servant to continually monitor, evaluate, and manage the public servant's personal, financial, and professional affairs to ensure the absence of conflicts of interest or appearances of conflict.

(e) At the beginning of any meeting of a board, the chair shall remind all members of their duty to avoid conflicts of interest and appearances of conflict under this Chapter. The chair also shall inquire as to whether there is any known conflict of interest or appearance of conflict with respect to any matters coming before the board at that time.

(f) The head of each State agency, including the chair of each board subject to this Chapter, shall ensure that legal counsel employed by or assigned to their agency or board are familiar with the provisions of this Chapter, including the Ethical Standards for Covered Persons set forth in Article 4 of this Chapter, and are available to advise public servants on the ethical considerations involved in carrying out their public duties in the best interest of the public. Legal counsel so engaged may consult with the Commission, seek the Commission's assistance or advice, and refer public servants and others to the Commission as appropriate.

(g) Taking into consideration the individual autonomy, needs, and circumstances of each agency and board, the head of each State agency, including the chair of each board subject to this Chapter, shall consider the need for the development and implementation of in-house educational programs, procedures, or policies tailored to meet the agency's or board's particular needs for ethics education, conflict identification, and conflict avoidance. This includes the periodic presentation to all agency heads, their chief deputies or assistants, other public servants under their supervision or control, and members of boards, of the basic ethics education and awareness presentation outlined in G.S. 138A-14 and any other workshop or seminar program the agency head or board chair deems necessary in implementing this Chapter. Agency heads and board chairs may request reasonable assistance from the Commission in complying with the requirements of this subsection.

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(h) As soon as reasonably practicable after the designation, hiring, or promotion of their chief deputies, assistants, or other public servants under their supervision or control, or learning of the appointment or election of other public servants to a board covered under this Chapter, all agency heads and board chairs shall (i) notify the Commission of such designation, hiring, promotion, appointment, or election and (ii) provide these public servants with copies of this Chapter and all applicable financial disclosure forms, if these materials and forms have not been previously provided to these public servants in connection with their designation, hiring, promotion, appointment, or election. In order to avoid duplication of effort, agency heads and board chairs shall coordinate this effort with the Commission's staff.

"§§ 138A-16 through 20: [Reserved]"

"Article 3.

"Public Disclosure of Economic Interests.

"§ 138A-21. Purpose.

The purpose of disclosure of the financial and personal interests by covered persons is to assist covered persons and those persons who appoint, elect, hire, supervise, or advise them identify and avoid conflicts of interest and potential conflicts of interest between the covered person's private interests and the covered person's public duties. It is critical to this process that current and prospective covered persons examine, evaluate, and disclose those personal and financial interests that could be or cause a conflict of interest or potential conflict of interest between the covered person's private interests and the covered person's public duties. Covered persons must take an active, thorough, and conscientious role in the disclosure and review process, including having a complete knowledge of how the covered person's public position or duties might impact the covered person's private interests. Covered persons have an affirmative duty to provide any and all information that a reasonable person would conclude is necessary to carry out the purposes of this Chapter and to fully disclose any conflict of interest or potential conflict of interest between the covered person's public and private interests, but the disclosure, review, and evaluation process is not intended to result in the disclosure of unnecessary or irrelevant personal information.

"§ 138A-22. Statement of economic interest; filing required.

(a) Every covered person subject to this Chapter who is elected, appointed, or employed, including one appointed to fill a vacancy in elective office, except for public servants included under G.S. 138A-3(30)b., e., f., or g. whose annual compensation from the State is less than sixty thousand dollars (\$60,000), shall file a statement of economic interest with the Commission prior to the covered person's initial appointment, election, or employment and no later than March 15th of every year thereafter, except as otherwise filed under subsection (d) of this section. A prospective covered person required to file a statement under this Chapter shall not be appointed, employed, or receive a certificate of election, prior to submission by the Commission of the Commission's evaluation of the statement in accordance with this Article. The requirement for an annual filing under this subsection also shall apply to covered

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persons whose terms have expired but who continue to serve until the person's replacement is appointed. Once a statement of economic interest is properly completed and filed under this Article, the statement of economic interest does not need to be supplemented or refiled prior to the next due date set forth in this subsection.

(b) Notwithstanding subsection (a) of this section, persons hired by, and appointees of, constitutional officers of the State may file a statement of economic interest within 30 days after their appointments or employment when the appointment or employment is made during the first 60 days of the constitutional officer's initial term in that constitutional office.

(c) Notwithstanding subsection (a) of this section, public servants, under G.S. 138A-3(30)j. and k., who have submitted a statement of economic interest under subsection (a) of this section, may be hired, appointed, or elected provisionally prior to submission by the Commission of the Commission's evaluation of the statement in accordance with this Article, subject to dismissal or removal based on the Commission's evaluation.

(d) A candidate for an office subject to this Article shall file the statement of economic interest at the same place and in the same manner as the notice of candidacy for that office is required to be filed under G.S. 163-106, within 10 days of the filing deadline for the office the candidate seeks. A person who is nominated under G.S. 163-114 after the primary and before the general election, and a person who qualifies under G.S. 163-122 as an unaffiliated candidate in a general election, shall file a statement of economic interest with the county board of elections of each county in the senatorial or representative district. A person nominated under G.S. 163-114 shall file the statement within three days following the person's nomination, or not later than the day preceding the general election, whichever occurs first. A person seeking to qualify as an unaffiliated candidate under G.S. 163-122 shall file the statement of economic interest with the petition filed under that section. A person seeking to have write-in votes counted for the person in a general election shall file a statement of economic interest at the same time the candidate files a declaration of intent under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of economic interest at the same time that the president of the convention certifies the names of its candidates to the State Board of Elections under G.S. 163-98.

(e) The State Board of Elections shall provide for notification of the statement of economic interest requirements of this Article to be given to any candidate filing for nomination or election to those offices subject to this Article at the time of the filing of candidacy.

(f) Within 10 days of the filing deadline for office of a covered person, the executive director of the State Board of Elections shall send to the State Ethics Commission a list of the names and addresses of each candidate who have filed as a candidate for office as a covered person. A county board of election shall forward any statements of economic interest filed with the board under this section to the State Board of Elections. The executive director of the State Board of Elections shall forward a certified copy of the statements of

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economic interest to the Commission for evaluation upon its filing with the State Board of Elections under this section.

(g) The Commission shall issue forms to be used for the statement of economic interest and shall revise the forms from time to time as necessary to carry out the purposes of this Chapter. Except as otherwise set forth in this section and in G.S. 138A-15(h), upon notification by the employing entity, the Commission shall furnish to all other covered persons the appropriate forms needed to comply with this Article.

"§ 138A-23. Statements of economic interest as public records.

The statements of economic interest filed by prospective public servants under this Article for appointed or employed positions and written evaluations by the Commission of these statements are not public records until the prospective public servant is appointed or employed by the State. All other statements of economic interest and all other written evaluations by the Commission of those statements are public records.

"§ 138A-24. Contents of statement.

(a) Any statement of economic interest filed under this Article shall be on a form prescribed by the Commission and sworn to by the filing person. Answers must be provided to all questions. The form shall include the following information about the filing person and the filing person's immediate family:

- (1) The name, home address, occupation, employer, and business of the person.
- (2) A list of each asset and liability included in this subdivision of whatever nature (including legal, equitable, or beneficial interest) with a value of at least ten thousand dollars (\$10,000) owned by the filing person and the filing person's immediate family. This list shall include the following:
 - a. All real estate located in the State owned wholly or in part by the filing person or the filing person's immediate family, including descriptions adequate to determine the location by city and county of each parcel.
 - b. Real estate that is currently leased or rented to or from the State.
 - c. Personal property sold to or bought from the State within the preceding two years.
 - d. Personal property currently leased or rented to or from the State.
 - e. The name of each publicly owned company.
 - f. The name of each nonpublicly owned company or business entity, including interests in partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations.

- g. For each company or business entity listed under sub-subdivision f. of this subdivision, if known, a list of any other companies or business entities in which the company or business entity owns securities or equity interests exceeding a value of ten thousand dollars (\$10,000).
 - h. A list of all nonpublicly owned businesses of which the person is an officer, employee, director, partner, owner, or member or manager of a limited liability company.
 - i. For any company or business entity listed under sub-subdivisions f., g., and h. of this subdivision, if known, any company or business entity that has any material business dealings, contracts, or other involvement with the State, or is regulated by the State, including a brief description of the business activity.
 - j. For a vested trust created, established, or controlled by the filing person of which the filing person or the members of the filing person's immediate family are the beneficiaries, the name and address of the trustee, a description of the trust, and the filing person's relationship to the trust.
 - k. A list of all liabilities, excluding indebtedness on the filing person's personal residence, by type of creditor and debtor.
 - l. A list of any public or private enterprise, incorporated or otherwise, that is organized or operating in the State primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes and of which the person or any member of the person's immediate family is a director, officer, governing board member, employee, or independent contractor as of December 31 of the preceding year, including a list of which of those nonprofit corporations or organizations do business with the State or receive State funds, if known, and a brief description of the nature of the business, or which with due diligence could reasonably be known.
- (3) A list of each source (not specific amounts) of income of more than five thousand dollars (\$5,000) received during the previous year by business or industry type, including salary or wages, professional fees, honoraria, interest, dividends, capital gains, and business income.

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- (4) If the filing person is a practicing attorney, an indication of whether the filing person, or the law firm with which the filing person is affiliated, earned legal fees during the past year in excess of ten thousand dollars (\$10,000) from any of the following categories of legal representation:
- a. Administrative law.
 - b. Admiralty law.
 - c. Corporate law.
 - d. Criminal law.
 - e. Decedents' estates law.
 - f. Environmental law.
 - g. Insurance law.
 - h. Labor law.
 - i. Local government law.
 - j. Negligence or other tort litigation law.
 - k. Real property law.
 - l. Securities law.
 - m. Taxation law.
 - n. Utilities regulation law.
- (5) Except for a filing person in compliance under subdivision (4) of this subsection, if the filing person is a licensed professional or provides consulting services, either individually or as a member of a professional association, a list of categories of business and the nature of services rendered, for which payment for services were charged or paid during the past year in excess of ten thousand dollars (\$10,000).
- (6) An indication of whether the filing person, the filing person's employer, a member of the filing person's immediate family, or the immediate family member's employer is licensed or regulated by, or has a business relationship with, the board or employing entity with which the filing person is or will be associated. This subdivision does not apply to a legislator or a judicial officer.
- (7) A list of the public servant's or the public servant's immediate family's memberships or other affiliations with, including offices held in, societies, organizations, or advocacy groups, pertaining to subject matter areas over which the public servant's agency or board may have jurisdiction. This subdivision does not apply to a legislator, a judicial officer, or that person's immediate family.
- (8) A list of all things of monetary value greater than two hundred dollars (\$200.00) given and received without valuable consideration and under circumstances that a

reasonable person would conclude that the thing was given for the purpose of lobbying, if such things were given by a person not required to report under Chapter 120C of the General Statutes, or from the person's extended family. The list shall include only those things received during the 12 months preceding the reporting period under subsection (d) of this section, and shall include the source of those things. The list required by this subdivision shall not apply to things of monetary value received by the filing person prior to the time the person filed or was nominated as a candidate for office, as described in G.S. 138A-22, or was appointed or employed as a covered person.

- (9) A list of any felony convictions of the filing person.
- (10) Any other information that is necessary either to carry out the purposes of this Chapter or to fully disclose any conflict of interest or potential conflict of interest. If the filing person believes a potential for conflict exists, the filing person has a duty to inquire of the Commission as to that potential conflict. If a filing person is uncertain of whether particular information is necessary, then the filing person shall consult the Commission for guidance.

(b) The Supreme Court, the Committee, constitutional officers of the State, heads of principal departments, the Board of Governors of The University of North Carolina, the State Board of Community Colleges, other boards, and the appointing authority or employing entity may require a filing person to file supplemental information in conjunction with the filing of that person's statement of economic interest. These supplemental filings requirements shall be filed with the Commission and included on the forms to be filed with the Commission. The Commission shall evaluate the supplemental forms as part of the statement of economic interest. The failure to file supplemental forms shall be subject to the provisions of G.S. 138A-25.

(c) Each statement of economic interest shall contain sworn certification by the filing person that the filing person has read the statement and that, to the best of the filing person's knowledge and belief, the statement is true, correct, and complete. The filing person's sworn certification also shall provide that the filing person has not transferred, and will not transfer, any asset, interest, or other property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

(d) All information provided in the statement of economic interest shall be current as of the last day of December of the year preceding the date the statement of economic interest was due.

(e) The Commission shall prepare a written evaluation of each statement of economic interest relative to conflicts of interest and potential conflicts of interest. The Commission shall submit the evaluation to all of the following:

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- (1) The filing person who submitted the statement.
- (2) The head of the agency in which the filing person serves.
- (3) The Governor for gubernatorial appointees and employees in agencies under the Governor's authority.
- (4) The Chief Justice for judicial officers and judicial employees.
- (5) The appointing or hiring authority for those public servants not under the Governor's authority.
- (6) The State Board of Elections for those filing persons who are elected.
- (7) The Committee, together with a copy of the statement of economic interest, for legislators.

"§ 138A-25. Failure to file.

(a) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify persons who have failed to file or persons whose statement has been deemed incomplete. For a person currently serving as a covered person, the Commission shall notify the person that if the statement of economic interest is not filed or completed within 30 days of receipt of the notice of failure to file or complete, the filing person shall be subject to a fine as provided for in this section.

(b) Any filing person who fails to file or complete a statement of economic interest within 30 days of the receipt of the notice, required under subsection (a) of this section, shall be subject to a fine of two hundred fifty dollars (\$250.00), to be imposed by the Commission.

(c) Failure by any filing person to file or complete a statement of economic interest within 60 days of the receipt of the notice, required under subsection (a) of this section, shall be deemed to be a violation of this Chapter and shall be grounds for disciplinary action under G.S. 138A-45.

"§ 138A-26. Concealing or failing to disclose material information.

A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45.

"§ 138A-27. Penalty for false information.

A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45.

"§§ 138A-28 through 30: [Reserved]

"Article 4.

"Ethical Standards for Covered Persons.

"§ 138A-31. Use of public position for private gain.

(a) Except as permitted under G.S. 138A-38, a covered person or legislative employee shall not knowingly use the covered person's or legislative employee's public position in an official action or legislative action that will result in financial benefit, direct or indirect, to the covered person or legislative

employee, a member of the covered person's or legislative employee's extended family, or business with which the covered person or legislative employee is associated. This subsection shall not apply to financial or other benefits derived by a covered person or legislative employee that the covered person or legislative employee would enjoy to an extent no greater than that which other citizens of the State would or could enjoy, or that are so remote, tenuous, insignificant, or speculative that a reasonable person would conclude under the circumstances that the covered person's or legislative employee's ability to protect the public interest and perform the covered person's or legislative employee's official duties would not be compromised.

(b) A covered person shall not mention or permit another person to mention the covered person's public position in nongovernmental advertising that advances the private interest of the covered person or others. The prohibition in this subsection shall not apply to political advertising, news stories, news articles, the inclusion of a covered person's position in a directory or biographical listing, or the charitable solicitation for a nonprofit business entity qualifying under 26 U.S.C. § 501(c)(3). Disclosure of a covered person's position to an existing or prospective customer, supplier, or client is not considered advertising for purposes of this subsection when the disclosure could reasonably be considered material by the customer, supplier, or client.

(c) Notwithstanding G.S. 163-278.16A, no covered person shall use or permit the use of State funds for any advertisement or public service announcement in a newspaper, on radio, television, magazines, or billboards, that contains that covered person's name, picture, or voice, [except in case of State or national emergency and only if the announcement is reasonably necessary to the covered person's official function](#). This subsection shall not apply to fund-raising on behalf of and aired on public radio or public television.
"§ 138A-32. Gifts.

(a) A covered person or a legislative employee shall not knowingly, directly or indirectly, ask, accept, demand, exact, solicit, seek, assign, receive, or agree to receive anything of value for the covered person or legislative employee, or for another person, in return for being influenced in the discharge of the covered person's or legislative employee's official responsibilities, other than that which is received by the covered person or the legislative employee from the State for acting in the covered person's or legislative employee's official capacity.

(b) A covered person may not solicit for a charitable purpose any gift from any subordinate State employee. This subsection shall not apply to generic written solicitations to all members of a class of subordinates. Nothing in this subsection shall prohibit a covered person from serving as the honorary head of the State Employees Combined Campaign.

(c) No public servant, legislator, or legislative employee shall knowingly accept a gift, directly or indirectly, from a lobbyist or lobbyist principal as defined in G.S. 120C-100.

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(d) No public servant shall knowingly accept a gift, directly or indirectly, from a person whom the public servant knows or has reason to know any of the following:

- (1) Is doing or is seeking to do business of any kind with the public servant's employing entity.
- (2) Is engaged in activities that are regulated or controlled by the public servant's employing entity.
- (3) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the public servant's official duties.

(e) Subsections (c) and (d) of this section shall not apply to any of the following:

- (1) Food and beverages for immediate consumption in connection with public events.
- (2) Informational materials relevant to the duties of the covered person or legislative employee.
- (3) Reasonable actual expenditures of the covered person or legislative employee for food, beverages, registration, travel, lodging, other incidental items of nominal value, and entertainment, in connection with (i) a covered person's or legislative employee's attendance at an educational meeting for purposes primarily related to the public duties and responsibilities of the covered person or legislative employee, or in order for the covered person or legislative employee to participate as a speaker or member of a panel; (ii) a legislator's or legislative employee's attendance and participation in meetings of a state, regional, national, or international legislative organization of which the General Assembly is a member or that the legislator or legislative employee is a member or participant of by virtue of that person's public position, or as a member of a board, agency, or committee of such organization; or (iii) a public servant's attendance and participation in meetings as a member of a board, agency, or committee of a state, regional, national, or international legislative organization of which the public servant's agency is a member or the public servant is a member by virtue of that person's public position, provided the following conditions are met:
 - a. The reasonable actual expenditures shall be made by a lobbyist's principal, and not a lobbyist.
 - b. Any educational meeting must be attended by at least 10 or more participants, have a formal agenda, and notice of the meeting has been given at least 10 days in advance.

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- c. Any food, beverages, or entertainment must be provided to all attendees or defined groups of 10 or more attendees.
- d. Any entertainment must be incidental to the principal agenda of the educational meeting.
- (4) A plaque or similar nonmonetary memento recognizing individual services in a field or specialty or to a charitable cause.
- (5) Gifts accepted on behalf of the State for the benefit of the State.
- (6) Anything generally made available or distributed to the general public or all other State employees by lobbyists or lobbyist's principals.
- (7) Gifts from the covered person's or legislative employee's extended family, or a member of the same household of the covered person or legislative employee.
- (8) Gifts given to a public servant not otherwise subject to an exception under this subsection, where the gift is food and beverages, transportation, lodging, entertainment or related expenses associated with the public business of industry recruitment, promotion of international trade, or the promotion of travel and tourism, and the public servant is responsible for conducting the business on behalf of the State, provided all the following conditions apply:
 - a. The public servant did not solicit the gift, and the public servant did not accept the gift in exchange for the performance of the public servant's official duties.
 - b. The public servant reports electronically to the Commission within 30 days of receipt of the gift or of the date set for disclosure of public records under G.S. 132-6(d), if applicable. The report shall include a description and value of the gift and a description how the gift contributed to the public business of industry recruitment, promotion of international trade, or the promotion of travel and tourism. This report shall be posted to the Commission's public Web site.
 - c. A tangible gift, other than food or beverages, not otherwise subject to an exception under this subsection shall be turned over as State property to the Department of Commerce within 30 days of receipt, except as permitted under subsection (f) of this section.

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- (9) Gifts of personal property valued at less than one hundred dollars (\$100.00) given to a public servant in the commission of the public servant's official duties if the gift is given to the public servant as a personal gift in another country as part of an overseas trade mission, and the giving and receiving of such personal gifts is considered a customary protocol in the other country.
- (10) Gifts given or received as part of a business, civic, religious, fraternal, personal, or commercial relationship not related to the person's public service or position and made under circumstances that a reasonable person would conclude that the gift was not given for the purpose of lobbying.

(f) A prohibited gift that would constitute an expense appropriate for reimbursement by the public servant's employing entity if it had been incurred by the public servant personally shall be considered a gift accepted by or donated to the State, provided the public servant has been approved by the public servant's employing entity to accept or receive such things of value on behalf of the State. The fact that the employing entity's reimbursement rate for the type of expense is less than the value of a particular gift shall not render the gift prohibited.

(g) A prohibited gift shall be declined, returned, paid for at fair market value, or donated immediately to charity or the State.

(h) A covered person or legislative employee shall not accept an honorarium from a source other than the employing entity for conducting any activity where any of the following apply:

- (1) The employing entity reimburses the covered person or legislative employee for travel, subsistence, and registration expenses.
- (2) The employing entity's work time or resources are used.
- (3) The activity would be considered official duty or would bear a reasonably close relationship to the covered person's or legislative employee's official duties.

An outside source may reimburse the employing entity for actual expenses incurred by a covered person or legislative employee in conducting an activity within the duties of the covered person or legislative employee, or may pay a fee to the employing entity, in lieu of an honorarium, for the services of the covered person or legislative employee. An honorarium permissible under this subsection shall not be considered a gift for purposes of subsection (c) of this section.

(i) Acceptance or solicitation of a gift in compliance with this section without corrupt intent shall not constitute a violation of the statutes related to bribery under G.S. 14-217, 14-218, or 120-86.

§ 138A-33. Other compensation.

A public servant or legislative employee shall not solicit or receive personal financial gain, other than that received by the public servant or legislative

employee from the State, or with the approval of the employing entity, for acting in the public servant's or legislative employee's official capacity, or for advice or assistance given in the course of carrying out the public servant's or legislative employee's duties.

"§ 138A-34. Use of information for private gain.

A public servant or legislative employee shall not use or disclose nonpublic information gained in the course of, or by reason of, the public servant's or legislative employee's official responsibilities in a way that would affect a personal financial interest of the public servant or legislative employee, a member of the public servant's or legislative employee's extended family, or a person with whom or business with which the public servant or legislative employee is associated. A public servant or legislative employee shall not improperly use or improperly disclose any confidential information.

"§ 138A-35. Other rules of conduct.

(a) A public servant shall make a due and diligent effort before taking any action, including voting or participating in discussions with other public servants on a board on which the public servant also serves, to determine whether the public servant has a conflict of interest. If the public servant is unable to determine whether or not a conflict of interest may exist, the public servant has a duty to inquire of the Commission as to that conflict.

(b) A public servant shall continually monitor, evaluate, and manage the public servant's personal, financial, and professional affairs to ensure the absence of conflicts of interest.

(c) A public servant shall obey all other civil laws, administrative requirements, and criminal statutes governing conduct of State government applicable to appointees and employees.

"§ 138A-36. Public servant participation in official actions.

(a) Except as permitted by subsection (d) of this section and under G.S. 138A-38, no public servant acting in that capacity, authorized to perform an official action requiring the exercise of discretion, shall knowingly participate in an official action by the employing entity if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated, has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could reasonably be inferred that the interest or benefit would influence the public servant's participation in the official action. A potential benefit includes a detriment to a business competitor of (i) the public servant, (ii) a member of the public servant's extended family, or (iii) a business with which the public servant is associated.

(b) A public servant described in subsection (a) of this section shall abstain from taking any verbal or written action in furtherance of the official action. The public servant shall submit in writing to the employing entity the reasons for the abstention. When the employing entity is a board, the abstention shall be recorded in the employing entity's minutes.

(c) A public servant shall take appropriate steps, under the particular circumstances and considering the type of proceeding involved, to remove

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himself or herself to the extent necessary, to protect the public interest and comply with this Chapter, from any proceeding in which the public servant's impartiality might reasonably be questioned due to the public servant's familial, personal, or financial relationship with a participant in the proceeding. A participant includes (i) an owner, shareholder, partner, member or manager of a limited liability company, employee, agent, officer, or director of a business, organization, or group involved in the proceeding, or (ii) an organization or group that has petitioned for rule making or has some specific, unique, and substantial interest in the proceeding. Proceedings include quasi-judicial proceedings and quasi-legislative proceedings. A personal relationship includes one in a leadership or policy-making position in a business, organization, or group.

(d) If a public servant is uncertain whether the relationship described in subsection (c) of this section justifies removing the public servant from the proceeding under subsection (c) of this section, the public servant shall disclose the relationship to the person presiding over the proceeding and seek appropriate guidance. The presiding officer, in consultation with legal counsel if necessary, shall then determine the extent to which the public servant will be permitted to participate. If the affected public servant is the person presiding, then the vice-chair or any other substitute presiding officer shall make the determination. A good-faith determination under this subsection of the allowable degree of participation by a public servant is presumptively valid and only subject to review under G.S. 138A-12 upon a clear and convincing showing of mistake, fraud, abuse of discretion, or willful disregard of this Chapter.

"§ 138A-37. Legislator participation in official actions.

(a) Except as permitted under G.S. 138A-38, no legislator shall knowingly participate in a legislative action if the legislator, a member of the legislator's extended family, the legislator's client, or a business with which the legislator is associated, has an economic interest in, or may reasonably and foreseeably benefit from the action, and if after considering whether the legislator's judgment would be substantially influenced by the interest and considering the need for the legislator's particular contribution, including special knowledge of the subject matter to the effective functioning of the legislature, the legislator concludes that an actual economic interest does exist which would impair the legislator's independence of judgment. A potential benefit includes a detriment to a business competitor of (i) the legislator, (ii) a member of the legislator's extended family, or (iii) a business with which the legislator is associated. The legislator shall submit in writing to the principal clerk of the house of which the legislator is a member the reasons for the abstention from participation in the legislative matter.

(b) If the legislator has a material doubt as to whether the legislator should act, the legislator may submit the question for an advisory opinion to the State Ethics Commission in accordance with G.S. 138A-13 or the Legislative Ethics Committee in accordance with G.S. 120-104.

"§ 138A-38. Permitted participation exception.

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Notwithstanding G.S. 138A-36 and G.S. 138A-37, a covered person may participate in an official action or legislative action under any of the following circumstances except as specifically limited:

- (1) The only interest or reasonably foreseeable benefit that accrues to the covered person, the covered person's extended family, or business with which the covered person is associated as a member of a profession, occupation, or general class is no greater than that which could reasonably be foreseen to accrue to all members of that profession, occupation, or general class.
- (2) When an official or legislative action affects or would affect the covered person's compensation and allowances as a covered person.
- (3) Before the covered person participated in the official or legislative action, the covered person requested and received from the Commission or Committee a written advisory opinion that authorized the participation. In authorizing the participation under this subdivision, the Commission or Committee shall consider the need for the legislator's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the General Assembly.
- (4) Before participating in an official action, a public servant made full written disclosure to the public servant's employing entity which then made a written determination that the interest or benefit would neither impair the public servant's independence of judgment nor influence the public servant's participation in the official action. The employing entity shall file a copy of that written determination with the Commission.
- (5) When action is ministerial only and does not require the exercise of discretion.
- (6) When a public or legislative body records in its minutes that it cannot obtain a quorum in order to take the official or legislative action because the covered person is disqualified from acting under G.S. 130-36, G.S. 138A-37, or this section, the covered person may be counted for purposes of a quorum, but shall otherwise abstain from taking any further action.
- (7) When a public servant notifies the Commission in writing that the public servant judicial employee, or someone whom the public servant appoints to act in the public servant's stead, or both, are the only individuals having legal authority to take an official action, and the public servant discloses in writing the circumstances and nature of the conflict of interest.

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"§ 138A-39. Disqualification to serve.

(a) Within 30 days of notice of the Commission's determination that a public servant has a disqualifying conflict of interest, the public servant shall eliminate the interest that constitutes the disqualifying conflict of interest or resign from the public position.

(b) Failure by a public servant to comply with subsection (a) of this section is a violation of this Chapter for purposes of G.S. 138A-45.

(c) A decision under this section shall be considered a final decision for contested case purposes under Article 3 of Chapter 150B of the General Statutes.

(d) As used in this section, a disqualifying conflict of interest is a conflict of interest of such significance that the conflict of interest would prevent a public servant from fulfilling a substantial function or portion of the public servant's public duties.

"§ 138A-40. Employment and supervision of members of covered person's extended family.

A covered person or legislative employee shall not cause the employment, appointment, promotion, transfer, or advancement of an extended family member of the covered person to a State office, or a position to which the covered person supervises or manages, except for positions at the General Assembly as permitted by the Legislative Services Commission. A public servant or legislative employee shall not supervise, manage, or participate in an action relating to the discipline of a member of the public servant's extended family, except as specifically authorized by the public servant's or legislative employee's employing entity.

"§ 138A-41. Other ethics standards.

Nothing in this Chapter shall prevent the Supreme Court, the Committee, the Legislative Services Commission, constitutional officers of the State, heads of principal departments, the Board of Governors of The University of North Carolina, the State Board of Community Colleges, or other boards from adopting additional or supplemental ethics standards applicable to that public agency's operations.

"§§ 138A-42 through 44: [Reserved]

"Article 5.

"Violation Consequences.

"§ 138A-45. Violation consequences.

(a) Violation of this Chapter by any covered person or legislative employee is grounds for disciplinary action. Except as specifically provided in this Chapter and for perjury under G.S. 138A-12 and G.S. 138A-24, no criminal penalty shall attach for any violation of this Chapter.

(b) The willful failure of any public servant serving on a board to comply with this Chapter is misfeasance, malfeasance, or nonfeasance. In the event of misfeasance, malfeasance, or nonfeasance, the offending public servant serving on a board is subject to removal from the board of which the public servant is a member. For appointees of the Governor and members of the Council of State, the appointing authority may remove the offending public

servant. For appointees of the Speaker of the House of Representatives, the Speaker of the House of Representatives may remove the offending public servant. For appointees of the General Assembly made upon the recommendation of the Speaker of the House of Representatives, the Governor at the recommendation of the Speaker of the House of Representatives may remove the offending public servant. For appointees of the President Pro Tempore of the Senate, the President Pro Tempore of the Senate may remove the offending public servant. For appointees of the General Assembly made upon the recommendation of the President Pro Tempore of the Senate, the Governor at the recommendation of the President Pro Tempore of the Senate may remove the offending public servant. For public servants elected to a board by either the Senate or House of Representatives, the electing house of the General Assembly shall exercise the discretion of whether to remove the offending public servant. For all other appointees, the Commission shall exercise the discretion of whether to remove the offending public servant.

(c) The willful failure of any public servant serving as a State employee to comply with this Chapter is a violation of a written work order, thereby permitting disciplinary action as allowed by the law, including termination from employment. For employees of State departments headed by a member of the Council of State, the appropriate member of the Council of State shall make all final decisions on the manner in which the offending public servant shall be disciplined. For public servants who are judicial employees, the Chief Justice shall make all final decisions on the matter in which the offending judicial employee shall be disciplined. For legislative employees, the Legislative Services Commission shall make or refer to the hiring authority all final decisions on the matter in which the offending legislative employee shall be disciplined. For public servants appointed or elected for The University of North Carolina or the Community Colleges System, the appointing or electing authority shall make all final decisions on the matter in which the offending public servant shall be disciplined. For any other public servant serving as a State employee, the Governor shall make all final decisions on the manner in which the offending public servant shall be disciplined.

(d) The willful failure of any constitutional officer of the State to comply with this Chapter is malfeasance in office for purposes of G.S. 123-5.

(e) The willful failure of a legislator, other than the Lieutenant Governor, to comply with this Chapter is grounds for sanctions under G.S. 120-103.1.

(f) Nothing in this Chapter affects the power of the State to prosecute any person for any violation of the criminal law.

(g) The Commission may seek to enjoin violations of G.S. 138A-34."

SECTION 2.(a) G.S. 150B-1(d) is amended by adding a new subdivision to read:

"(14) The State Ethics Commission with respect to Chapter 138A and Chapter 120C of the General Statutes."

SECTION 2.(b) G.S. 116-7 is amended by adding a new subsection to read:

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"(b1) Upon receipt of a referral from the State Ethics Commission in accordance with G.S. 138A-12(k) concerning a member of the Board of Governors, the principal clerk of the house of the General Assembly receiving the referral shall immediately refer the matter to the appropriate education committee of that house. That committee may recommend to that house a resolution providing for the removal of the Board member. If the committee's proposed resolution is adopted by a majority of the members present and voting of that house, the public servant shall be removed and the seat previously held by that Board member becomes vacant."

SECTION 2.(c) G.S. 115D-2.1 is amended by adding a new subsection to read:

"(b1) Upon receipt of a referral from the State Ethics Commission in accordance with G.S. 138A-12(k) concerning a member of the State Board of Community Colleges, the principal clerk of the house of the General Assembly receiving the referral shall immediately refer the matter to the appropriate education committee of that house. That committee may recommend to that house a resolution providing for the removal of the Board member. If the committee's proposed resolution is adopted by a majority of the members present and voting of that house, the public servant shall be removed and the seat previously held by that Board member becomes vacant."

PART II. AMEND LEGISLATIVE ETHICS ACT.

SECTION 3. Article 7 of Chapter 120 of the General Statutes is amended by adding a new section to read:

"§ 120-32.6. Certain employment authority.

G.S. 114-2.3 and G.S. 147-17 shall not apply to the General Assembly."

SECTION 4. G.S. 120-85, 120-87(b), 120-88, and Part 2 of Article 14 of Chapter 120 of the General Statutes are repealed.

SECTION 5. Part 1 of Article 14 of Chapter 120 of the General Statutes is amended by adding a new section to read:

"§ 120-85.1. Definitions.

As used in this Article, the following terms mean:

- (1) Business with which associated. – As defined in G.S. 138A-3.
- (2) Confidential information. – As defined in G.S. 138A-3.
- (3) Economic interest. – As defined in G.S. 138A-3.
- (4) Immediate family. – As defined in G.S. 138A-3.
- (5) Legislator. – As defined in G.S. 138A-3.
- (6) Nonprofit corporation or organization with which associated. – As defined in G.S. 138A-3.
- (7) Vested trust. – As defined in G.S. 138A-3."

SECTION 6. G.S. 120-86 reads as rewritten:

"§ 120-86. Bribery, etc.

(a) No person shall offer or give to a legislator or a member of a legislator's immediate ~~household family~~, or to a business with which the legislator is associated, and no legislator shall solicit or receive, anything of

monetary value, including a gift, favor or service or a promise of future employment, based on any understanding that the legislator's vote, official actions or judgment would be influenced thereby, or where it could reasonably be inferred that the thing of value would influence the legislator in the discharge of the legislator's duties.

(b) It shall be unlawful for the partner, client, customer, or employer of a legislator or the agent of that partner, client, customer, or employer, directly or indirectly, to threaten economically that legislator with the intent to influence the legislator in the discharge of the legislator's duties.

(b1) It shall be unlawful for any person, directly or indirectly, to threaten economically another person in order to compel the threatened person to attempt to influence a legislator in the discharge of the legislator's duties.

(c) It shall be unethical for a legislator to contact the partner, client, customer, or employer of another legislator if the purpose of the contact is to cause the partner, client, customer, or employer, directly or indirectly, to threaten economically that legislator with the intent to influence that legislator in the discharge of the legislator's duties.

(d) ~~For the purposes of this section, the term "legislator" also includes any person who has been elected or appointed to the General Assembly but who has not yet taken the oath of office.~~

(e) Violation of subsection (a), (b), or (b1) is a Class F felony. Violation of subsection (c) is not a crime but is punishable under ~~G.S. 120-103~~ G.S. 120-103.1."

SECTION 7. G.S. 120-99(a) reads as rewritten:

"(a) The Legislative Ethics Committee is created ~~to~~ and shall consist of ~~ten~~ 12 members, ~~five~~ six Senators appointed by the President Pro Tempore of the Senate, among them – ~~two~~ three from a list of ~~four~~ six submitted by the Majority Leader and ~~two~~ three from a list of ~~four~~ six submitted by the Minority Leader, and ~~five~~ six members of the House of Representatives appointed by the Speaker of the House, among them – ~~two~~ three from a list of ~~four~~ six submitted by the Majority Leader and ~~two~~ three from a list of ~~four~~ six submitted by the Minority Leader."

SECTION 8. G.S. 120-99(c) is repealed.

SECTION 9. G.S. 120-101 reads as rewritten:

"§ 120-101. **Quorum; expenses of members.**

(a) ~~Six~~ Eight members constitute a quorum of the Committee. A vacancy on the Committee does not impair the right of the remaining members to exercise all the powers of the Committee.

(b) The members of the Committee, while serving on the business of the Committee, are performing legislative duties and are entitled to the subsistence and travel allowances to which members of the General Assembly are entitled when performing legislative duties."

SECTION 10. G.S. 120-102 reads as rewritten:

"§ 120-102. **Powers and duties of Committee.**

(a) In addition to the other powers and duties specified in this Article, the Committee ~~has the following powers and duties~~ may:

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- (1) ~~To prescribe forms for the statements of economic interest and other reports required by this Article, and to furnish these forms to persons who are required to file statements or reports.~~
- (2) ~~To receive and file any information voluntarily supplied that exceeds the requirements of this Article.~~
- (3) ~~To organize in a reasonable manner statements and reports filed with it and to make these statements and reports available for public inspection and copying during regular office hours. Copying facilities shall be made available at a charge not to exceed actual cost.~~
- (4) ~~To preserve statements and reports filed with the Committee for a period of 10 years from the date of receipt. At the end of the 10 year period, these documents shall be destroyed.~~
- (5) ~~To prepare a list of ethical principles and guidelines to be used by each legislator in determining his role in supporting or opposing specific types of legislation, and to advise each General Assembly committee of specific danger areas where conflict of interest may exist and to suggest rules of conduct that should be adhered to by committee members in order to avoid conflict.~~ Prepare a list of ethical principles and guidelines to be used by legislators and legislative employees to identify potential conflicts of interest and prohibited behavior, and to suggest rules of conduct that shall be adhered to by legislators and legislative employees.
- (5a) Advise each General Assembly committee of specific danger areas where conflicts of interest may exist and to suggest rules of conduct that should be adhered to by committee members in order to avoid conflict.
- (6) ~~To advise~~ Advise General Assembly members or render written opinions if so requested by the member about questions of ethics or possible points of conflict and suggested standards of conduct of members upon ethical points raised.
- (6a) Review, modify, or overrule advisory opinions issued to legislators by the State Ethics Commission under G.S. 138A-13.
- (7) ~~To propose~~ Propose rules of legislative ethics and conduct. The rules, when adopted by the House of Representatives and the Senate, shall be the standards adopted for that term.
- (8) Upon receipt of information that a legislator owes money to the State and is delinquent in making repayment of such obligation, ~~to~~ investigate and dispose of the matter according to the terms of this Article.

- (9) Investigate alleged violations in accordance with G.S. 120-103.1 and hire separate legal counsel, through the Legislative Services Commission, for these purposes.
- (10) Adopt procedures to implement this Article.
- (11) Perform other duties as may be necessary to accomplish the purposes of this Article.

(b) G.S. 120-19.1 through G.S. 120-19.8 shall apply to the proceedings of the Legislative Ethics Committee as if it were a joint committee of the General Assembly, except that both cochairs shall sign all subpoenas on behalf of the Committee. Notwithstanding any other law, every State agency, local governmental agency, and units and subdivisions thereof shall make available to the Committee any documents, records, data, statements or other information, except tax returns or information relating thereto, which the Committee designates as being necessary for the exercise of its powers and duties."

SECTION 11. G.S. 120-103 is repealed.

SECTION 12. Part 3 of Article 14 of Chapter 120 of the General Statutes is amended by adding a new section to read:

"§ 120-103.1. Investigations by the Committee.

(a) Institution of Proceedings. – On its own motion, or upon receipt of a referral of a complaint from the State Ethics Commission under Chapter 138A of the General Statutes, the Committee shall conduct an investigation into any of the following:

- (1) The application or alleged violation of Chapter 138A of the General Statutes and Part 1 of this Article.
- (2) The application or alleged violation of rules adopted in accordance with G.S. 120-102.
- (3) The alleged violation of the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process.

(b) Complaint. –

- (1) The Committee may, in its sole discretion, request additional information to be provided by the complainant within a specified period of time of no less than seven business days.
- (2) The Committee may decline to accept or further investigate a complaint if it determines that any of the following apply:
 - a. The complaint is frivolous or brought in bad faith.
 - b. The individuals and conduct complained of have already been the subject of a prior complaint.
 - c. The conduct complained of is primarily a matter more appropriately and adequately addressed and handled by other federal, State, or local agencies or authorities, including law enforcement

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authorities. If other agencies or authorities are conducting an investigation of the same actions or conduct involved in a complaint filed under this section, the Committee may stay its complaint investigation pending final resolution of the other investigation.

- (3) The Committee shall send a notice of the initiation of an investigation under this section to the legislator who is the subject of the complaint within 10 days of the date of the decision to initiate the investigation.
- (4) Notwithstanding any other provisions of this section, complaints filed with the Committee concerning the conduct of the Lieutenant Governor shall be referred to the State Ethics Commission under Chapter 138A of the General Statutes without investigation by the Committee.

(c) Investigation of Complaints by the Committee. – The Committee shall investigate all complaints properly before the Committee in a timely manner. Within 60 days of the referral of the complaint with the Committee, the Committee shall refer the complaint for hearing in accordance with subsection (i) of this section or initiate an investigation of a complaint or dismiss the complaint. In determining whether there is reason to believe that a violation has or may have occurred, a member of the Committee can take general notice of available information even if not formally provided to the Committee in the form of a complaint. The Committee may utilize the services of a hired investigator when conducting investigations.

(d) On a referral from the State Ethics Commission, the Committee shall do at least one of the following:

- (1) Make recommendations to the house in which the legislator who is the subject of the complaint is a member without further investigation.
- (2) Conduct further investigations and hearings under this section.
- (3) Dismiss the complaint.

(e) Investigation by the Committee of Matters Other Than Complaints. – The Committee may investigate matters other than complaints properly before the Committee under subsection (a) of this section. For any investigation initiated under this subsection, the Committee may take any action it deems necessary or appropriate to further compliance with this Article, including the initiation of a complaint, the issuance of an advisory opinion under G.S. 120-104, or referral to appropriate law enforcement or other authorities pursuant to subdivision (j)(2) of this section.

(f) Legislator Cooperation with Investigation. – Legislators shall promptly and fully cooperate with the Committee in any Committee-related investigation. Failure to cooperate fully with the Committee in any investigation shall be grounds for sanctions under this section.

(g) Dismissal of Complaint After Preliminary Inquiry. – If the Committee determines at the end of its preliminary inquiry that the complaint does not allege facts sufficient to constitute a violation of matters over which the Committee has jurisdiction as set forth in subsection (a) of this section, the Committee shall dismiss the complaint and provide written notice of the dismissal to the individual who filed the complaint and the legislator against whom the complaint was filed.

(h) Notice. – If at the end of its preliminary inquiry, the Committee determines to proceed with further investigation into the conduct of a legislator, the Committee shall provide written notice to the individual who filed the complaint and the legislator as to the fact of the investigation and the charges against the legislator. The legislator shall be given an opportunity to file a written response with the Committee.

(i) Hearing. –

(1) The Committee shall give full and fair consideration to all complaints and responses received. If the Committee determines that the complaint cannot be resolved without a hearing, or if the legislator requests a public hearing, a hearing shall be held.

(2) The Committee shall send a notice of the hearing to the complainant and the legislator. The notice shall contain the time and place for a hearing on the matter, which shall begin no less than 30 days and no more than 90 days after the date of the notice.

(3) At any hearing held by the Committee:

a. Oral evidence shall be taken only on oath or affirmation.

b. The hearing shall be held in closed session unless the legislator requests that the hearing be held in open session. In any event, the deliberations by the Committee on a complaint may be held in closed session.

c. The legislator being investigated shall have the right to present evidence, call and examine witnesses, cross-examine witnesses, introduce exhibits, and be represented by counsel.

(j) Disposition of Investigations. – Except as permitted under subsections (b) and (g) of this section, after the hearing, the Committee shall dispose of a matter before the Committee under this section, in any of the following ways:

(1) If the Committee finds that the alleged violation is not established by clear and convincing evidence, the Committee shall dismiss the complaint.

(2) If the Committee finds that the alleged violation is established by clear and convincing evidence, the Committee shall do one or more of the following:

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- a. Issue a public or private admonishment to the legislator.
 - b. Refer the matter to the Attorney General for investigation and referral to the district attorney for possible prosecution or the appropriate house for appropriate action, or both, if the Committee finds substantial evidence of a violation of a criminal statute.
 - c. Refer the matter to the appropriate house for appropriate action, which may include censure and expulsion, if the Committee finds substantial evidence of a violation of this Article or other unethical activities.
- (3) If the Committee issues an admonishment as provided in subdivision (2)a. of this subsection, the legislator affected may, upon written request to the Committee, have the matter referred as provided under subdivision (2)c. of this subsection.

(k) Effect of Dismissal or Private Admonishment. – In the case of a dismissal or private admonishment, the Committee shall retain its records or findings in confidence, unless the legislator under inquiry requests in writing that the records and findings be made public. If the Committee later finds that a legislator's subsequent unethical activities were similar to and the subject of an earlier private admonishment, then the Committee may make public the earlier admonishment and the records and findings related to it.

(l) Confidentiality. – Except as provided under subsection (k) of this section, the complaint, response, records, and findings of the Committee shall be confidential and not matters of public record, except when the legislator under inquiry requests in writing that the complaint, response, records, and findings be made public prior to the time the Committee recommends sanctions. At such time as the Committee recommends sanctions to the house of which the legislator is a member, the complaint, response, and Committee's report to the house shall be made public.

(m) Any action or lack of action by the Committee under this section shall not limit the right of each house of the General Assembly to discipline or to expel its members.

(n) The Committee shall publish annual statistics on complaints filed with or considered by the Committee, including the number of complaints filed, the number of complaints dismissed, the number of complaints resulting in admonishment, the number of complaints referred to the appropriate house for appropriate action, the number of complaints referred for criminal prosecution, and the number and age of complaints pending action by the Committee."

SECTION 13. G.S 120-104 reads as rewritten:

"§ 120-104. Advisory opinions.

(a) At the request of any member of the General Assembly, the Committee shall render formal advisory opinions on specific questions

involving legislative ethics. ~~These advisory opinions, edited as necessary to protect the identity of the legislator requesting the opinion, shall be published periodically by the Committee.~~

(b) The Committee shall receive and review recommended advisory opinions issued to legislators, except the Lieutenant Governor, by the State Ethics Commission under G.S. 138A-13. The opinion shall not be considered a formal advisory opinion until the advisory opinion is adopted by the Committee. The Committee may modify or overrule the recommended advisory opinions issued to legislators by the State Ethics Commission, and the final action on the opinion by the Committee shall control.

(c) A legislator who acts in reliance on a formal advisory opinion issued by the Committee under this section shall be entitled to the immunity granted under G.S. 138A-13(a).

(d) Staff to the Committee may issue informal, nonbinding advisory opinions under procedures adopted by the Committee.

(e) The Committee may interpret Chapter 138A of the General Statutes as it applies to legislators, except the Lieutenant Governor, and these interpretations are binding on all legislators upon publication.

(f) The Committee shall submit its formal advisory opinions to the State Ethics Commission, and the State Ethics Commission shall publish the Committee's opinions under G.S. 138A-13(d).

(g) Except as provided under subsection (f) of this section, requests for advisory opinions, advisory opinions issued under this section, and advisory opinions received from the State Ethics Commission are confidential and not matters of public record."

SECTION 14. G.S. 120-105 reads as rewritten:

"§ 120-105. Continuing study of ethical questions.

The Committee shall conduct continuing studies of questions of legislative ethics including revisions and improvements of this Article ~~as well as sections to cover the administrative branch of government and~~ and Chapter 138A and Chapter 120C of the General Statutes. The Committee shall report to the General Assembly from time to time recommendations for amendments to the statutes and legislative rules which the Committee deems desirable in promoting, maintaining and effectuating high standards of ethics in the legislative branch of State government."

SECTION 15. G.S. 143B-350 reads as rewritten:

"§ 143B-350. Board of Transportation – organization; powers and duties, etc.

...

(i) Disclosure of Contributions. – Any person serving on the Board of Transportation or as Secretary of Transportation on December 1, 1998, shall disclose on that date any contributions the person or the person's immediate family made to the political campaign of the appointing Governor in the two years preceding December 1, 1998. A person appointed to the Board of Transportation and a person appointed as Secretary of Transportation after December 1, 1998, shall disclose at the time the appointment of the person is officially made public any contributions the person or the person's immediate

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family made to the political campaign of the appointing Governor in the two years preceding the date of appointment. The term "immediate family", as used in this subsection, means a person's spouse, children, parents, brothers, and sisters. Disclosure forms shall be filed with the ~~Governor or the Governor's designee and in a manner as prescribed by the Governor.~~ State Ethics Commission as a supplemental filing to the Statement of Economic Interest filed under Article 3 of Chapter 138A of the General Statutes. Disclosure forms shall not be a public record under the provisions of Chapter 132 of the General Statutes until such time as the appointment of the person filing the statement is officially made public.

(j) Disclosure of Campaign Fund-Raising. – A person appointed to the Board of Transportation on or after January 1, 2001, and a person appointed as Secretary of Transportation on or after January 1, 2001, shall disclose at the time the appointment of the person is officially made public any contributions the person personally acquired in the two years prior to appointment for: any political campaign for a statewide or legislative elected office in North Carolina; any political party executive committee or political committee acting on behalf of a candidate for statewide or legislative office. Disclosure forms shall be filed with the ~~Governor or the Governor's designee and in a manner as prescribed by the Governor.~~ State Ethics Commission as a supplemental filing to the Statement of Economic Interest filed under Article 3 of Chapter 138A of the General Statutes. Disclosure forms shall not be a public record under the provisions of Chapter 132 of the General Statutes until such time as the appointment of the person filing the statement is officially made public.

(k) Ethics Policy. – The Board shall adopt by December 1, 1998, a code of ethics applicable to members of the Board, including the Secretary. Any code of ethics adopted by the Board shall be supplemental to ~~any other code of ethics that may be applicable to members of the Board or to the Secretary.~~ the provisions of Chapter 138A of the General Statutes. ~~A code of ethics adopted pursuant to this subsection shall:~~ shall include

- (1) ~~Include~~ a prohibition against a member taking action as a Board member when a conflict of interest, or the appearance of a conflict of interest, exists. The ethics policy adopted pursuant to this subsection shall specify that a conflict of interest exists when the use of the Board member's position, or any official action taken by the Board member, would result in financial benefit, direct or indirect, to the Board member, a member of the Board member's immediate family, or an individual with whom, or business with which, the Board member is associated. The ethics policy adopted pursuant to this subsection shall specify that an appearance of a conflict of interest exists when a reasonable person would conclude from the circumstances that the Board member's ability to protect the public interest, or perform public duties, would be compromised by personal interest, even in the absence of

an actual conflict of interest. The performance of usual and customary duties associated with the public position or the advancement of public policy goals or constituent services, without compensation, shall not constitute the use of the Board member's position for financial benefit. The conflict of interest provision of the ethics policy adopted pursuant to this subsection shall not apply to financial or other benefits derived by a Board member that the Board member would enjoy to an extent no greater than that which other citizens of the State would or could enjoy.

- (2) ~~Require the filing of a statement of economic interest. The statement of economic interest shall include a listing of the appointee's legal, equitable, or beneficial interest in real estate holdings in the State, and a statement of the appointee's financial interest in any business related to the State's transportation system. The statement of economic interest shall be filed with the Governor, or the Governor's designee, and in a manner as prescribed by the Governor.~~
- (3) ~~Require the filing of a statement of association. The statement of association shall include a statement of the appointee's membership or other affiliation with, including offices held, in societies, organizations, or advocacy groups pertaining to the State's transportation system. The statement of association shall be filed with the Governor, or the Governor's designee, and in a manner as prescribed by the Governor.~~

~~Board members and the Secretary serving on December 1, 1998, shall file the statement of economic interest and statement of association on that date. Board members and the Secretary appointed after December 1, 1998, shall file the statement of economic interest and statement of association at the time the appointment of the person is officially made public. The statement of economic interest and the statement of association shall not be a public record under the provisions of Chapter 132 of the General Statutes until the appointment of the person filing the statement is officially made public.~~

(l) Additional Requirements for Disclosure Statements. – All disclosure statements required under subsections (i), (j), and (k) of this section must be sworn written statements.

(m) Ethics and Board Duties Education. – The Board shall institute by January 1, 1999, and conduct annually an education program on ethics and on the duties and responsibilities of Board members. The training session shall be comprehensive in ~~nature~~ nature, conducted in conjunction with the State Ethics Commission, and shall include input from the Institute of Government, ~~the North Carolina Board of Ethics,~~ the Attorney General's Office, the University of North Carolina Highway Safety Research Center, and senior career employees of the various divisions of the Department. This program shall include an initial

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orientation for new members of the Board and continuing education programs for Board members at least once each year.

...."

PART III. AMEND LOBBYING LAWS.

SECTION 16.(a) G.S. 120-47.7B, as enacted by S.L. 2005-456, is effective when this act becomes law.

SECTION 16.(b) G.S. 120-47.7B is repealed effective January 1, 2007.

SECTION 17. Article 9A of Chapter 120 of the General Statutes is repealed.

SECTION 18. The General Statutes are amended by adding a new Chapter to read:

"Chapter 120C.

"Lobbying.

"Article 1.

"General Provisions.

"§ 120C-100. Definitions.

(a) As used in this Article, the following terms mean:

- (1) Commission. – The State Ethics Commission under Chapter 138A of the General Statutes.
- (2) Designated individual. – A legislator, legislative employee, or public servant.
- (3) Executive action. – The preparation, research, drafting, development, consideration, modification, amendment, adoption, approval, tabling, postponement, defeat, or rejection of a policy, guideline, request for proposal, procedure, regulation, or rule by a public servant purporting to act in an official capacity. This term does not include any of the following:
 - a. Present, prior, or possible proceedings of a contested case hearing under Chapter 150B of the General Statutes, of a judicial nature, or of a quasi-judicial nature.
 - b. A public servant's communication with a person, or another person on that person's behalf, with respect to any of the following:
 1. Applying for a permit, license, determination of eligibility, or certification.
 2. Making an inquiry about or asserting a benefit, claim, right, obligation, duty, entitlement, payment, or penalty.
 3. Making an inquiry about or responding to a request for proposal made under Chapter 143 of the General Statutes.
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- c. Internal administrative functions, including those functions exempted from the definition of "rule" in G.S. 150B-2(8a).
 - d. Ministerial functions.
 - e. A public servant's communication with a person or another person on that person's behalf with respect to public comments made at an open meeting, or submitted as written comment, on a proposed executive action in response to a request for public comment, provided the identity of the person on whose behalf the comments are made is disclosed as part of the public participation, and no reportable expenditure is made.
- (4) In session. – One of the following:
- a. The General Assembly is in extra session from the date the General Assembly convenes until the General Assembly:
 - 1. Adjourns sine die.
 - 2. Recesses or adjourns for more than 10 days.
 - b. The General Assembly is in regular session from the date set by law or resolution that the General Assembly convenes until the General Assembly:
 - 1. Adjourns sine die.
 - 2. Recesses or adjourns for more than 10 days.
- (5) Legislative action. – The preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or other matter, whether or not the matter is identified by an official title, general title, or other specific reference, by a legislator or legislative employee acting or purporting to act in an official capacity. It also includes the consideration of any bill by the Governor for the Governor's approval or veto under Article II, Section 22(1) of the Constitution or for the Governor to allow the bill to become law under Article II, Section 22(7) of the Constitution.
- (6) Legislative employee. – Employees and officers of the General Assembly, consultants and counsel to committees of either house of the General Assembly or of legislative commissions, who are paid by State funds, but not including legislators, members of the Council of State, or pages.

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- (7) Legislator. – As defined in G.S. 138A-3 and G.S. 120C-104.
- (8) Liaison personnel. – Any State employee or officer whose principal duties, in practice or as set forth in that person's job description, include lobbying designated individuals.
- (9) Lobbying. – Any of the following:
- a. Influencing or attempting to influence legislative or executive action, or both, through direct communication or activities with a designated individual or that person's immediate family.
 - b. Developing goodwill through communications or activities, including the building of relationships, with a designated individual or that person's immediate family with the intention of influencing current or future legislative or executive action, or both.

The term "lobbying" does not include communications or activities as part of a business, civic, religious, fraternal, personal, or commercial relationship which is not connected to legislative or executive action, or both.

- (10) Lobbyist. – An individual who engages in lobbying and meets any of the following criteria:
- a. Is employed by a person for the intended purpose of lobbying.
 - b. Represents another person, but is not directly employed by that person, and receives compensation for the purpose of lobbying. For the purposes of this sub-subdivision, the term compensation shall not include reimbursement of actual travel and subsistence.
 - c. Contracts for economic consideration for the purpose of lobbying.
 - d. Is employed by a person and a significant part of that employee's duties include lobbying. In no case shall an employee be considered a lobbyist if less than five percent (5%) of that employee's actual duties in any 30-day period include engaging in lobbying as defined in subdivision (9)a. of this section.

The term "lobbyist" shall not include individuals who are specifically exempted from this Chapter by G.S. 120C-700 or registered as liaison personnel under Article 5 of this Chapter.

- (11) Lobbyist principal and principal. – The person on whose behalf the lobbyist lobbies. In the case where a lobbyist is compensated by a law firm, consulting firm, or other

entity retained by a person for lobbying, the principal is the person whose interests the lobbyist represents in lobbying. In the case of a lobbyist employed or retained by an association or other organization, the lobbyist's principal is the association or other organization, not the individual members of the association or other organization.

The term "lobbyist's principal" shall not include those designating registered liaison personnel under Article 5 of this Chapter.

(12) Reportable expenditure. – Any of the following that directly or indirectly is made to, at the request of, for the benefit of, or on the behalf of a designated individual or that individual's immediate family member:

a. Any advance, contribution, conveyance, deposit, distribution, payment, gift, retainer, fee, salary, honorarium, reimbursement, loan, pledge, or thing of value greater than ten dollars (\$10.00) per designated individual per single calendar day.

b. A contract, agreement, promise, or other obligation whether or not legally enforceable.

(13) Solicitation of others. – A solicitation of members of the public to communicate directly with or contact one or more designated individuals for the purpose of influencing or attempting to influence legislative or executive action to further the solicitor's position on that legislative or executive action, when that request is made by any of the following methods:

a. A broadcast, cable, or satellite transmission.

b. An e-mail communication or a Web site posting.

c. A communication delivered by print media as defined in G.S. 163-278.38Z.

d. A letter or other written communication delivered by mail or by comparable delivery service.

e. Telephone.

f. A communication at a conference, meeting, or similar event.

The term "solicitation of others" does not include communications made by a person or by the person's agent to that person's stockholders, employees, board members, officers, members, subscribers, or other recipients who have affirmatively assented to receive the person's regular publications or notices.

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(b) Except as otherwise defined in this section, the definitions in Article 1 of Chapter 138A of the General Statutes apply in this Chapter.

"§ 120C-101. Rules and forms.

(a) The Commission shall adopt any rules necessary to interpret and carry out the provisions of this Chapter. The Secretary of State shall adopt any rules, orders, forms, and definitions as are necessary to carry out the provisions of this Chapter. The Secretary of State may appoint a council to advise the Secretary in adopting rules under this section.

(b) With respect to the forms adopted under subsection (a) of this section, the Secretary of State shall adopt rules to protect from disclosure all confidential information under Chapter 132 of the General Statutes 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.

(c) In adopting rules under this Chapter, the Commission is exempt from the requirements of Article 2A of Chapter 150B of the General Statutes, except that the Commission shall maintain a mailing list of interested persons as provided in G.S. 150B-21.2(d). **At least 30 business days prior to adopting a rule, the Commission shall:**

- (1) Publish the proposed rules in the North Carolina Register.
- (2) Submit the rule and a notice of public hearing to the Codifier of Rules, and the Codifier of Rules shall publish the proposed rule and the notice of public hearing on the Internet to be posted within five business days.
- (3) Notify persons on the mailing list maintained in accordance with G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a rule and of the public hearing.
- (4) Accept written comments on the proposed rule for at least 15 business days prior to adoption of the rule.
- (5) Hold at least one public hearing on the proposed rule no less than five days after the rule and notice have been published.

A rule adopted under this section becomes effective the first day of the month following the month the final rule is submitted to the Codifier of Rules for entry into the North Carolina Administrative Code.

"§ 120C-102. Advisory opinions.

(a) At the request of any person affected by this Chapter, the Commission shall render advisory opinions on specific questions involving the meaning and application of this Chapter and that person's compliance therewith. The request shall be in writing and relate to real or reasonably anticipated fact settings or circumstances. The Commission shall issue advisory opinions having prospective application only. Reliance upon a requested written advisory

opinion on a specific matter shall immunize the designated individual, lobbyist, lobbyist's principal, or other person requesting that written advisory opinion from both of the following:

- (1) Investigation by the Commission.
- (2) Any adverse action by the employing entity.

(b) Staff to the Commission may issue advisory opinions under procedures adopted by the Commission.

(c) The Commission shall publish its advisory opinions at least once a year, edited as necessary to protect the identities of the individuals requesting opinions.

(d) Except as provided under subsection (c) of this section, requests for advisory opinions and advisory opinions issued pursuant to this section are confidential and not matters of public record.

"§ 120C-103. Lobbying education program.

(a) The Commission shall develop and implement a lobbying education and awareness program designed to instill in all designated individuals, lobbyists, and lobbyists' principals a keen and continuing awareness of their obligations and sensitivity to situations that might result in real or potential violation of this Chapter or other related laws. The Commission shall make basic lobbying education and awareness presentations to all designated individuals upon their election, appointment, or hiring and shall offer periodic refresher presentations as the Commission deems appropriate. Every designated individual shall participate in a lobbying presentation approved by the Commission within six months of the person's election, appointment, or hiring and shall attend refresher lobbying education presentations at least every two years thereafter in a manner the Commission deems appropriate. The Commission shall also make lobbying education and awareness programs available to lobbyists and lobbyists' principals. Upon request, the Commission shall assist each agency in developing in-house education programs and procedures necessary or desirable to meet the agency's particular needs for lobbying education.

(b) The Commission shall publish a newsletter containing summaries of the advisory opinions, policies, procedures, and interpretive bulletins as issued from time to time, but no less than once per year. The newsletter shall be distributed to all designated individuals, lobbyists, and lobbyists' principals. Publication under this subsection may be done electronically.

(c) The Commission shall assemble and maintain a collection of relevant State laws, rules, and regulations that set forth lobbying standards applicable to designated individuals. The collection of laws, rules, and regulations shall be made available electronically as resource material to designated individuals, lobbyists, and lobbyists' principals upon request.

"§ 120C-104. Chapter applies to candidates for certain offices.

For purposes of this Chapter, the term "legislator" as defined in G.S. 120C-100(7) and the term "public servant" as defined in G.S. 138A-3(30)a. shall include a person having filed a notice of candidacy for such office under G.S. 163-106 or Article 11 of Chapter 163 of the General Statutes or nominated under G.S. 163-114 or G.S. 163-98.

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"Article 2."Registration.**"§ 120C-200. Lobbyist registration procedure.**

(a) A lobbyist shall file a separate registration statement for each principal the lobbyist represents with the Secretary of State before engaging in any lobbying. It shall be unlawful for a person to lobby without registering within one business day of engaging in any lobbying as defined in G.S. 120C-100(9) unless exempted by this Chapter.

(b) The form of the registration shall be prescribed by the Secretary of State and shall include the registrant's full name, firm, complete address, and telephone number; the registrant's place of business; the full name, complete address, and telephone number of each principal the lobbyist represents; and a general description of the matters on which the registrant expects to act as a lobbyist.

(c) Each lobbyist shall file an amended registration form with the Secretary of State no later than 10 business days after any change in the information supplied in the lobbyist's last registration under subsection (b) of this section. Each supplementary registration shall include a complete statement of the information that has changed.

(d) Each registration statement of a lobbyist required under this Chapter shall be effective from the date of filing until January 1 of the following year. The lobbyist shall file a new registration statement after that date, and the applicable fee shall be due and payable.

(e) Each lobbyist shall identify himself or herself as a lobbyist prior to engaging in lobbying communications or activities with a designated individual. The lobbyist shall also disclose the identity of the lobbyist's principal connected to that lobbying communication or activity.

"§ 120C-201. Lobbyist's registration fee.

(a) Except as provided for in subsection (b) of this section, a fee of one hundred dollars (\$100.00) is due and payable to the Secretary of State at the time of each lobbyist 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 shall not require the fees to be paid electronically.

(b) The Secretary of State shall adopt rules providing for a waiver or reduction of the fees required by this section for lobbyists registering to represent persons who have been granted nonprofit status under 26 U.S.C. § 501(c)(3).

"§§ 120C-202 through 205: Reserved for future codification.**"§ 120C-206. Lobbyist's principal's authorization.**

(a) A written authorization signed by the lobbyist's principal authorizing the lobbyist to represent the principal shall be filed with the Secretary of State within 10 business days after the lobbyist's registration.

(b) The form of the authorization shall be prescribed by the Secretary of State and shall include the lobbyist's principal's full name, complete address, and telephone number, name and title of the official signing for the lobbyist's principal, and the name of each lobbyist registered to represent that principal.

(c) An amended authorization shall be filed with the Secretary of State no later than 10 business days after any change in the information on the principal's authorization. Each supplementary authorization shall include a complete statement of the information that has changed.

"§ 120C-207. Lobbyist's principal's fees.

(a) Except as provided for in subsection (b) 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 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 shall not require the fees to be paid electronically.

(b) The Secretary of State shall adopt rules providing for a waiver or reduction of the fees required by this section for lobbyist's principals that have been granted nonprofit status under 26 U.S.C. § 501(c)(3).

"§§ 120C-208 through 214: Reserved for future codification.

"§ 120C-215. Other persons required to register.

(a) A person not otherwise required to register under this Chapter shall register and report when the total expense incurred for solicitation of others exceeds three thousand dollars (\$3,000) during any 90-day period. Expenses incurred shall mean the costs of producing and transmitting the communication and, if the communication is made at a conference, meeting, or similar event, the costs of planning, hosting, sponsoring, and attending the conference, meeting, or similar event.

(b) A person required to register and report under this section shall be referred to as a "solicitor" for purposes of this Chapter.

(c) No fee shall be charged for registering as a solicitor.

"§§ 120C-216 through 219: Reserved for future codification.

"§ 120C-220. Publication and availability of registrations.

(a) The Secretary of State shall make available as soon as practicable the registrations of the lobbyists in an electronic, searchable format.

(b) The Secretary of State shall make available as soon as practicable the authorizations of the lobbyists' principals in an electronic, searchable format.

(c) The Secretary of State shall make available as soon as practicable the registrations of other persons required by this Chapter to file a registration in an electronic, searchable format.

(d) Within 20 days after the convening of each session of the General Assembly, the Secretary of State shall furnish each designated individual and the State Legislative Library a list of all persons who have registered as lobbyists and whom they represent. A supplemental list of lobbyists shall be furnished periodically every 20 days while the General Assembly is in session and every 60 days thereafter. For each special session of the General Assembly, a supplemental list of lobbyists shall be furnished to the State Legislative Library.

(e) All lists required by this section may be furnished electronically.

"Article 3.

"Prohibitions and Restrictions.

"§ 120C-300. Contingency fees prohibited.

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(a) No person shall act as a lobbyist for compensation that is dependent upon the result or outcome of any legislative or executive action.

(b) This section shall not apply to a person doing business with the State who is engaged in sales with respect to that business with the State whose regular compensation agreement includes commissions based on those sales.

(c) Any compensation paid to a lobbyist in violation of this section is subject to forfeiture and shall be paid into the Civil Penalty and Forfeiture Fund.

"§ 120C-301. Election influence prohibited.

(a) No person shall attempt to influence the action of any designated individual by the promise of financial support of the designated individual's candidacy, or by threat of financial support in opposition to the designated individual's candidacy in any future election.

(b) No lobbyist, lobbyist's principal, or other person required to register under this Chapter shall attempt to influence the action of any designated individual by the promise of financial support of the designated individual's candidacy, or by threat of financial support in opposition to the designated individual's candidacy in any future election.

"§ 120C-302. Campaign contributions prohibition.

(a) No lobbyist may make a contribution as defined in G.S. 163-278.6 to a candidate or candidate campaign committee as defined in G.S. 163-278.38Z when that candidate meets any of the following criteria:

(1) Is a legislator as defined in G.S. 120C-100.

(2) Is a public servant as defined in G.S. 138A-3(30)a.

(b) No lobbyist may collect contributions from multiple contributors, take possession of such multiple contributions, or transfer or deliver the collected multiple contributions to the intended recipient. This section shall apply only to contributions to a candidate or candidate campaign committee as defined in G.S. 163-278.38Z when that candidate is a legislator as defined in G.S. 120C-100 or a public servant as defined in G.S. 138A-3(30)a.

(c) This section shall not apply to a lobbyist, who has filed a notice of candidacy for office under G.S. 163-106 or Article 11 of Chapter 163 of the General Statutes or has been nominated under G.S. 163-114 or G.S. 163-98, making a contribution to that lobbyist's candidate campaign committee.

"§ 120C-303. Gifts by lobbyists and lobbyist's principals prohibited.

(a) Except as provided in subsection (b) of this section, no lobbyist or lobbyist's principal may directly or indirectly give a gift to a designated individual.

(b) Subsection (a) of this section shall not apply to gifts as described in G.S. 138A-32(e).

(c) The offering or giving of a gift in compliance with this Chapter without corrupt intent shall not constitute a violation of the statutes related to bribery under G.S. 14-217, 14-218, or 120-86, but shall be subject to civil fines under G.S. 120C-602(b).

"§ 120C-304. Restrictions.

(a) No legislator or former legislator may register as a lobbyist under this Chapter:

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- (1) While in office.
- (2) Before the later of the close of the session in which the legislator served or six months after leaving office.

(b) No public servant or former public servant as defined in G.S. 138A-3(30)a. may register as a lobbyist while in office or within six months after leaving office.

(c) No person serving as a public servant as defined in G.S. 138A-3(30)c. may register as a lobbyist under this Chapter within six months after separation from employment.

(d) No individual registered as a lobbyist under this Chapter shall serve as a treasurer as defined in G.S. 163-278.6(19) or an assistant campaign treasurer for a political committee for the election of a member of the General Assembly or a Constitutional officer of the State.

(e) A lobbyist shall not be eligible for appointment by a State official to, or service on, any body created under the laws of this State that has regulatory authority over the activities of a person that the lobbyist currently represents or has represented within 120 days after the expiration of the lobbyist's registration representing that person. Nothing herein shall be construed to prohibit appointment by any unit of local government.

(f) Any appointment or registration made in violation of this section shall be void.

"§ 120C-305. Prohibition on the use of cash or credit of the lobbyist.

No lobbyist or another acting on the lobbyist's behalf shall permit a designated individual, or that person's immediate family member, to use the cash or credit of the lobbyist for the purpose of lobbying unless the lobbyist is in attendance at the time of the reportable expenditure.

"Article 4.

"Reporting.

"§ 120C-400. Reporting of reportable expenditures.

For purposes of this Chapter, all reportable expenditures made for the purpose of lobbying shall be reported, including the following:

- (1) Reportable expenditures benefiting or made on behalf of a designated individual, or those persons' immediate family members, in the regular course of that individual's employment.
- (2) Contractual arrangements or direct business relationships between a lobbyist or lobbyist's principal and a designated individual, or that person's immediate family member, in effect during the reporting period or the previous 12 months.
- (3) Reportable expenditures reimbursed to a lobbyist in the ordinary course of business by the lobbyist's principal or other employer.

"§ 120C-401. Reporting generally.

(a) Reports shall be filed whether or not reportable expenditures are made and shall be due 10 business days after the end of the reporting period.

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(b) Each report shall set forth the fair market value or face value if shown, date, a description of the reportable expenditure, name and address of the payee, or beneficiary, and name of any designated individual, or that person's immediate family member connected with the reportable expenditure. When more than 15 designated individuals benefit from a reportable expenditure, no names of individuals need be reported provided that the report identifies the approximate number of designated individuals benefiting and the basis for their selection, including the name of the legislative body, committee, caucus, or other group whose membership list is a matter of public record in accordance with G.S. 132-1 or including a description of the group that clearly distinguishes its purpose or composition from the general membership of the General Assembly. The approximate number of immediate family members of designated individuals who benefited from the reportable expenditure shall be listed separately.

(c) Reportable expenditures shall be reported using the following categories:

- (1) Transportation and lodging.
- (2) Entertainment.
- (3) Food and beverages.
- (4) Meetings and events.
- (5) Gifts.
- (6) Other reportable expenditures.

(d) Each report shall be in the form prescribed by the Secretary of State, which may include electronic reports.

(e) When any report as required by this Article is not filed, the Secretary of State shall send a certified or registered letter advising the lobbyist, lobbyist's principal, or other person required to report of the delinquency and the penalties provided by law. Within 20 days of the receipt of the letter, the report shall be delivered or posted by United States mail to the Secretary of State together with a late filing fee in an amount equal to the late filing fee under G.S. 163-278.34(a)(2). Filing of the required report and payment of the additional fee within the time extended shall constitute compliance with this section.

(f) Failure to file a required report in one of the manners prescribed in this section shall void any and all registrations of the lobbyist, lobbyist's principal, or solicitor. No lobbyist, lobbyist's principal, or solicitor may register or reregister until full compliance with this section has occurred.

(g) Appeal of a decision by the Secretary of State under this section shall be in accordance with Article 3 of Chapter 150B of the General Statutes.

(h) The Secretary of State may adopt rules to facilitate complete and timely disclosure of required reporting, including additional categories of information, and to protect the addresses of payees under protective order issued pursuant to Chapter 50B of the General Statutes or participating in the Address Confidentiality Program pursuant to Chapter 15C of the General Statutes. The Secretary of State shall not impose any penalties or late filing fees upon a lobbyist, lobbyist's principal, or solicitor for subsequent failures to comply with

the requirements of this section if the Secretary of State failed to provide the required notification under subsection (e) of this section.

"§ 120C-402. Lobbyist's reports.

(a) Each lobbyist shall file quarterly reports under oath with the Secretary of State with respect to each lobbyist's principal.

(b) The report shall include all of the following for the reporting period:

- (1) All reportable expenditures made for the purpose of lobbying.
- (2) Solicitation of others when such solicitation involves an aggregate cost of more than three thousand dollars (\$3,000).
- (3) Reportable expenditures reimbursed by the lobbyist's principal, or another person on the lobbyist's principal's behalf.
- (4) All reportable expenditures for gifts given under G.S. 138A-32(e)(1)-(9) and all gifts given under G.S. 138A-32(e)(10).

(c) In addition to the reports required by this section, each lobbyist incurring reportable expenditures in any month while the General Assembly is in session with respect to lobbying legislators and legislative employees shall file a monthly reportable expenditure report. The monthly reportable expenditure report shall contain information required by this section with respect to all lobbying of legislators and legislative employees, and is due within 10 business days after the end of the month. The information on the monthly reportable expenditure report shall also be included in each quarterly report required by subsection (a) of this section.

"§ 120C-403. Lobbyist's principal's reports.

(a) Each lobbyist's principal shall file quarterly reports under oath with the Secretary of State with respect to each lobbyist's principal.

(b) The report shall be filed whether or not reportable expenditures are made, shall be due 10 business days after the end of the reporting period, and shall include all of the following for the reporting period:

- (1) All reportable expenditures made for the purpose of lobbying.
- (2) Solicitation of others when such solicitation involves an aggregate cost of more than three thousand dollars (\$3,000).
- (3) Compensation paid to all lobbyists during the quarter. If a lobbyist is a full-time employee of the principal, or is compensated by means of an annual fee or retainer, the principal shall estimate and report the portion of the salary, fee, or retainer that compensates for lobbying.
- (4) Reportable expenditures reimbursed or paid to lobbyists for lobbying that are not reported on the lobbyist's report, with an itemized description of those reportable expenditures.

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- (5) All reportable expenditures for gifts given under G.S. 138A-32(e)(1)-(9) and all gifts given under G.S. 138A-32(e)(10) with a value of more than two hundred dollars (\$200.00).

(c) In addition to the reports required by this section, each lobbyist principal incurring reportable expenditures in any month while the General Assembly is in session with respect to lobbying legislators and legislative employees shall file a monthly reportable expenditure report. The monthly reportable expenditure report shall contain information required by this section with respect to all lobbying of legislators and legislative employees, and is due within 10 business days after the end of the month. The information on the monthly report shall also be included in each quarterly report required by subsection (a) of this section.

"§ 120C-404. Solicitor's reports.

(a) Each solicitor shall file quarterly reports under oath with the Secretary of State.

(b) The report shall include all of the following:

- (1) All reportable expenditures made for the purpose of lobbying during the reporting period.
- (2) Solicitation of others when such solicitation involves an aggregate cost of more than three thousand dollars (\$3,000).

"§ 120C-405. Report availability.

(a) All reports filed under this Chapter shall be open to public inspection upon filing.

(b) The Secretary of State shall coordinate with the State Board of Elections to create a searchable Web-based database of reports filed under this Chapter and reports filed under Subchapter VIII of Chapter 163 of the General Statutes.

"Article 5.

"Liaison Personnel.

"§ 120C-500. Liaison personnel.

(a) All agencies and constitutional officers of the State, including all boards, departments, divisions, constituent institutions of The University of North Carolina, and other units of government in the executive branch, except local units of government, shall designate liaison personnel to lobby for legislative action.

(b) No State funds may be used to contract with persons who are not employed by the State to lobby legislators and legislative employees.

(c) No more than two persons may be designated as liaison personnel for each agency and constitutional officers of the State, including all boards, departments, divisions, constituent institutions of The University of North Carolina, and other units of government in the executive branch.

"§ 120C-501. Applicability of Chapter on liaison personnel.

(a) Except as otherwise provided in this section, this Chapter shall not apply to liaison personnel.

(b) G.S. 120C-200 shall apply to liaison personnel. No registration fee shall be required for registration under this subsection.

(c) Liaison personal designated under this Article shall file reports under G.S. 120C-402.

(d) G.S. 120C-303 shall apply to liaison personnel with respect to legislators and legislative employees.

(e) The University of North Carolina or any of its constituent institutions, or designated liaison personnel of those persons, shall not give, for the purpose of lobbying, athletic tickets to any designated individual, except for those who are described in G.S. 138A-3(30)j. or those who are students and receive tickets on the same basis as other students.

"Article 6.

"Violations and Enforcement.

"§ 120C-600. Powers and duties of the Secretary of State.

(a) The Secretary of State shall perform systematic reviews of reports required to be filed under Articles 4 and 8 of this Chapter on a regular basis to assure complete and timely disclosure of reportable expenditures. The Secretary of State shall refer to the Commission any complaints of violations of this Chapter other than those related solely to Article 4 or Article 8 of this Chapter.

(b) The Secretary of State may petition the Superior Court of Wake County for the approval to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of violations of Articles 4 and 8 of this Chapter. The court shall authorize subpoenas under this subsection when the court determines they are necessary for the enforcement of Articles 4 and 8 of this Chapter. Subpoenas issued under this subsection shall be enforceable by the court through contempt powers. Venue shall be with the Superior Court of Wake County for any nonresident person, or that person's agent, who makes a reportable expenditure under this Chapter, and personal jurisdiction may be asserted under G.S. 1-75.4.

(c) Complaints of violations of Articles 4 and 8 of this Chapter and all other records accumulated in conjunction with the investigation of these complaints shall be considered records of criminal investigations under G.S. 132-1.4.

"§ 120-601. Powers and duties of the Commission.

(a) The Commission may investigate complaints of violations of this Chapter and shall refer complaints related solely to Article 4 or Article 8 of this Chapter to the Secretary of State.

(b) The Commission may petition the Superior Court of Wake County for the approval to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of violations of this Chapter. The court shall authorize subpoenas under this subsection when the court determines they are necessary for the enforcement of this Chapter. Subpoenas issued under this subsection shall be enforceable by the court through contempt powers. Venue shall be with the Superior Court of Wake County for any nonresident person, or that person's agent, who makes a reportable expenditure under this Chapter, and personal jurisdiction may be asserted under G.S. 1-75.4.

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(c) Complaints of violations of this Chapter and all other records accumulated in conjunction with the investigation of these complaints shall be considered records of criminal investigations under G.S. 132-1.

"§ 120C-602. Punishment for violation.

(a) Whoever willfully violates any provision of Article 2 or Article 3 of this Chapter shall be guilty of a Class 1 misdemeanor, except as provided in those Articles. In addition, no lobbyist who is convicted of a violation of the provisions of this Chapter shall in any way act as a lobbyist for a period of two years from the date of conviction.

(b) In addition to the criminal penalties set forth in this section, the Secretary of State may levy civil fines for a violation of any provision of Article 4 or 8 of this Chapter up to five thousand dollars (\$5,000) per violation. In addition to the criminal penalties set forth in this section, the Commission may levy civil fines for a violation of any provision of this Chapter except Article 4 or Article 8 of this Chapter up to five thousand dollars (\$5,000) per violation.

"§ 120C-603. Enforcement by district attorney and Attorney General.

(a) The Commission may investigate complaints of violations of this Chapter and shall report apparent violations of this Chapter to the district attorney of the prosecutorial district as defined in G.S. 7A-60 of which Wake County is a part, who shall prosecute any person who violates any provisions of this Chapter.

(b) Complaints of violations of this Chapter involving the Commission or any member employee of the Commission shall be referred to the Attorney General for investigation. The Attorney General shall, upon receipt of a complaint, make an appropriate investigation thereof, and the Attorney General shall forward a copy of the investigation to the district attorney of the prosecutorial district as defined in G.S. 7A-60 of which Wake County is a part, who shall prosecute any person who violates any provisions of this Chapter.

"Article 7.

"Exemptions.

"§ 120C-700. Persons exempted from this Chapter.

Except as otherwise provided in Article 8, the provisions of this Chapter shall not be construed to apply to any of the following:

- (1) An individual solely engaged in expressing a personal opinion or stating facts or recommendations on legislative action or executive action to a designated individual and not acting as a lobbyist.
- (2) A person appearing before a committee, commission, board, council, or other collective body whose membership includes one or more designated individuals at the invitation or request of the committee or a member thereof and who engages in no further activities as a lobbyist with respect to the legislative or executive action for which that person appeared.
- (3) A duly elected or appointed official or employee of the State, the United States, a county, municipality, school

- district, or other governmental agency, when appearing solely in connection with matters pertaining to the office and public duties, except for a person designated as liaison personnel under G.S. 120C-500.
- (4) A person performing professional services in drafting bills, or in advising and rendering opinions to clients, or to designated individuals on behalf of clients, as to the construction and effect of proposed or pending legislative or executive action where the professional services are not otherwise connected with the legislative or executive action.
- (5) A person who owns, publishes, or is an employee of any recognized news medium, while engaged in the acquisition and publication of news or news and commentary on behalf of that recognized news medium.
- (6) Designated individuals while acting in their official capacity.
- (7) A person responding to inquiries from a designated individual and who engages in no further activities as a lobbyist in connection with that inquiry.
- (8) A person who is a political committee as defined in G.S. 163-278.6(14), that person's employee, or that person's contracted service provider.

"Article 8.

"Miscellaneous.

"§ 120C-800. Reportable expenditures made by persons exempted or not covered by this Chapter.

(a) If a designated individual accepts a reportable expenditure made for the purpose of lobbying with a total value of over two hundred dollars (\$200.00) per calendar quarter from a person or group of persons acting together, exempted or not otherwise covered by this Chapter, the person, or group of persons, making the reportable expenditure shall report the date, a description of the reportable expenditure, the name and address of the person, or group of persons, making the reportable expenditure, the name of the designated individual accepting the reportable expenditure, and the estimated fair market value, or face value if shown, of the reportable expenditure.

(b) If the person making the reportable expenditure in subsection (a) of this section is outside North Carolina, and the designated individual accepting the reportable expenditure is also outside North Carolina at the time the designated individual accepts the reportable expenditure, then the designated individual accepting the reportable expenditure shall be responsible for filing the report or reporting the information in the designated individual's statement of economic interest in accordance with G.S. 138A-24(a)(2).

(c) If a designated individual accepts a scholarship valued over two hundred dollars (\$200.00) from a person, or group of persons, acting together, exempted or not covered by this Chapter, the person, or group of persons,

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granting the scholarship shall report the date of the scholarship, a description of the event involved, the name and address of the person, or group of persons, granting the scholarship, the name of the designated individual accepting the scholarship, and the estimated fair market value.

(d) If the person granting the scholarship in subsection (c) of this section is outside North Carolina, the designated individual accepting the scholarship shall be responsible for filing the report or reporting the information in the designated individual's statement of economic interest in accordance with G.S. 138A-24(a)(2).

(e) This section shall not apply to any of the following:

- (1) Lawful campaign contributions properly received and reported as required under Article 22A of Chapter 163 of the General Statutes.
- (2) Any gift from an extended family member to a designated individual.
- (3) Gifts associated primarily with the designated individual's or that person's immediate family member's employment.
- (4) Gifts, other than food, beverages, travel, and lodging, which are received from a person who is a citizen of a country other than the United States or a state other than North Carolina and given during a ceremonial presentation or as a custom.
- (5) A thing of value that is paid for by the State.

(f) Within 10 business days after the end of the quarter in which the reportable expenditure was made, reports required by this section shall be filed with the Secretary of State in a manner prescribed by the Secretary of State, which may include electronic reports. If the designated individual is required to file a statement of economic interest under G.S. 138A-24, then that designated individual may opt to report any information required by this section in the statement of economic interest.

(g) For purposes of this section, the term "scholarship" shall mean a grant-in-aid to attend a conference, meeting, or other similar event."

SECTION 19. Sections 2 and 3 of S.L. 2005-456 are repealed.

SECTION 20.(a) G.S. 120-86.1 reads as rewritten:

"§ 120-86.1. Personnel-related action unethical.

It shall be unethical for a legislator to take, promise, or threaten any legislative action, as defined in ~~G.S. 120-47.1(4)~~, ~~G.S. 120C-100(5)~~, for the purpose of influencing or in retaliation for any action regarding State employee hirings, promotions, grievances, or disciplinary actions subject to Chapter 126 of the General Statutes."

SECTION 21. G.S. 163-278.13B(a)(1) reads as rewritten:

- "(1) "Limited contributor" means a lobbyist registered ~~pursuant to Article 9A of Chapter 120 under Chapter 120C~~ of the General Statutes, that lobbyist's agent, that lobbyist's principal as defined in ~~G.S. 120-47.1(7)~~, G.S. 120C-100(11) or a political committee that employs

or contracts with or whose parent entity employs or contracts with a lobbyist registered pursuant to Article 9A of Chapter 120 under Chapter 120C of the General Statutes."

SECTION 22. The authority, powers, duties and functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the North Carolina Board of Ethics of the Office of the Governor are transferred to the State Ethics Commission created in Section 1 of this act. The Director of the Budget shall resolve any disputes arising out of this transfer.

SECTION 23.(a) Persons holding covered positions on January 1, 2007, shall file statements of economic interest under Article 3 of Chapter 138A of the General Statutes by March 15, 2007.

SECTION 23.(b) Public servants holding positions on January 1, 2007, shall participate in ethics education presentations under G.S. 138A-14 on or before January 1, 2008.

SECTION 24. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

SECTION 25. Sections 4 through 15 and Sections 17 through 21 of this act become effective January 1, 2007, and G.S. 120C-304, as enacted by Section 18 of this act, applies to appointments made on or after that date. Sections 16, 24, and 25 of this act are effective when the act becomes law. The remainder of this act becomes effective October 1, 2006, and applies to covered persons and legislative employees on or after January 1, 2007, to gifts received on or after January 1, 2007, to acts and conflicts of interest that arise on or after January 1, 2007, and to offenses committed on or after January 1, 2007. Prosecutions for offenses or ethics violations committed before January 1, 2007, are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Upon motion of Senator Clodfelter, the rules are suspended and the Conference Report, which changes the title, is placed on today's Calendar for adoption.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 353 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW LANDFILLS IN THE STATE FOR A PERIOD BEGINNING ON 1 AUGUST 2006 AND ENDING ON 1 AUGUST 2007,

July 27, 2006

SUBJECT ONLY TO THE FOLLOWING EXCEPTIONS: (I) AN AMENDMENT, MODIFICATION, OR OTHER CHANGE TO A PERMIT FOR A LANDFILL ISSUED ON OR BEFORE 1 JUNE 2006; (II) A PERMIT FOR A HORIZONTAL OR VERTICAL EXPANSION OF THE LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006; (III) A PERMIT TO CONSTRUCT A NEW LANDFILL WITHIN THE FACILITY BOUNDARY IDENTIFIED IN THE FACILITY PLAN OF A LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006; (IV) A PERMIT TO OPERATE A NEW LANDFILL IF A PERMIT TO CONSTRUCT THE NEW LANDFILL WAS ISSUED ON OR BEFORE 1 JUNE 2006; (V) A PERMIT FOR A SANITARY LANDFILL USED ONLY TO DISPOSE OF WASTE GENERATED BY A COAL-FIRED GENERATING UNIT THAT IS OWNED OR OPERATED BY AN INVESTOR-OWNED UTILITY SUBJECT TO THE REQUIREMENTS OF G.S. 143-215.107D; AND (VI) A PERMIT FOR A SANITARY LANDFILL DETERMINED TO BE NECESSARY BY THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES IN ORDER TO RESPOND TO AN IMMINENT HAZARD TO PUBLIC HEALTH OR A NATURAL DISASTER; TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO SOLID WASTE DISPOSAL IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT; AND TO CREATE THE JOINT SELECT COMMITTEE ON ENVIRONMENTAL JUSTICE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for today, July 27, for concurrence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 27, 2006

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. 1825**, A BILL TO BE ENTITLED AN ACT TO DELAY IMPLEMENTATION OF THE REVISED SECONDARY ROAD FORMULA TO JULY 1, 2007; TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PAVE SECONDARY ROADS ON A REDUCED RIGHT-OF-WAY, IF THE DIVISION ENGINEER DETERMINES IT CAN BE DONE SAFELY; TO REQUIRE THAT THE DEPARTMENT OF TRANSPORTATION, BEGINNING IN THE 2006-2007 FISCAL YEAR AND UNTIL THE 2009-2010 FISCAL YEAR, SET ASIDE UP TO FIVE MILLION DOLLARS TO PAY FOR THE PAVING OF ANY UNPAVED SECONDARY ROAD THAT HAD PREVIOUSLY BEEN

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DETERMINED TO BE INELIGIBLE FOR PAVING; AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE COST OF PAVING AND MAINTENANCE OF PAVED AND UNPAVED SECONDARY ROADS IN DIFFERENT GEOGRAPHIC AREAS OF THE STATE.

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 MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 27, 2006

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. 1896**, A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (5) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (6) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (7) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; (8) TO MAKE IT A CLASS G FELONY FOR A SEX OFFENDER TO RESIDE WITHIN ONE THOUSAND FEET OF A PUBLIC OR NONPUBLIC SCHOOL OR A CHILD CARE CENTER; (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS BY THE DIVISION OF MOTOR VEHICLES; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS "AN ACT TO PROTECT NORTH CAROLINA'S CHILDREN/SEX OFFENDER LAW CHANGES."

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Pursuant to your message that you have adopted the report of the Conferees, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

H.B. 2147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO USE EXISTING PLANS FOR STATE CONSTRUCTION PROJECTS WHERE FEASIBLE, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor by special message.

The Chair grants a leave of absence for the remainder of today's session to Senator Allran.

S.B. 1564 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING SANITARY LANDFILL FRANCHISE ORDINANCES AND AGREEMENTS TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED TO, AWARD SANITARY LANDFILL FRANCHISES; TO PROVIDE FOR THE AWARD OF PRELIMINARY FRANCHISES AS WELL AS FRANCHISES AND TO SPECIFY THE INFORMATION TO BE INCLUDED THEREIN; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE AWARDED ONLY AFTER ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO PROVIDE THAT FRANCHISES ARE AWARDED ONLY AFTER PUBLIC NOTICE OF THE LOCATION OF THE PROPOSED SANITARY LANDFILL; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES; AND TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES TO ANY APPLICATION FOR A PRELIMINARY FRANCHISE OR FRANCHISE THAT IS FILED WITH A LOCAL GOVERNMENT ON OR AFTER THAT DATE AND THAT THIS ACT DOES NOT AFFECT ANY FRANCHISE THAT HAS BEEN AWARDED AS OF THE DATE ON WHICH THIS ACT BECOMES EFFECTIVE UNLESS THE FRANCHISE PROVIDES FOR A FINAL VOTE OF THE GOVERNING BOARD OF THE LOCAL GOVERNMENT ON THE FRANCHISE AND THE FINAL VOTE OCCURS ON OR AFTER 1

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NOVEMBER 2006, IN WHICH CASE THE PROVISIONS OF G.S. 130A-294(B1), AS AMENDED BY THIS ACT, APPLY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, temporarily displaced earlier today, 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 by special message.

The Chair grants a leave of absence for the remainder of today's session to Senator Rand.

H.B. 128 (Conference Report), 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 CLARIFY WHAT REASONABLE ADMINISTRATIVE EXPENSES INCLUDE; AND TO PROVIDE THAT EXCEPT FOR THEIR ENVELOPE, PROVISIONAL BALLOTS SHALL NOT BE MARKED TO BE IDENTIFIABLE TO A VOTER, placed earlier on today's Calendar for adoption.

Upon motion of Senator Clodfelter, 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.

The Senate recesses at 12:36 P.M. to reconvene at 1:00 P.M. subject to receipt of messages from the House of Representatives, Conference Reports, Committee Reports, ratification of bills and appointment of conferees.

RECESS

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 27, 2006

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. 643**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF ANY DEVICE

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DESIGNED TO PREVENT THE DETECTION OF A DRIVING VIOLATION,
and requests conferees.

Speaker Black has appointed:

Representative L. Allen, Chair
Representative Coleman, and
Representative Daughtridge

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 27, 2006

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. 128**, 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 CLARIFY WHAT REASONABLE ADMINISTRATIVE EXPENSES INCLUDE; AND TO PROVIDE THAT EXCEPT FOR THEIR ENVELOPE, PROVISIONAL BALLOTS SHALL NOT BE MARKED TO BE IDENTIFIABLE TO A VOTER.

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

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APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 643 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PRIVATE FUNDING OF CERTAIN PUBLIC INTERCHANGES AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT OF AIRSPACE ABOVE STATE ROAD 1250, SPRINGFIELD ROAD, NEAR ROCKY MOUNT FOR THE CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM.

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. 643 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Jenkins, Chair, as the conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Upon the appearance of Senator Rand in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

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. 2445, AN ACT TO AUTHORIZE THE TOWN OF AHOSKIE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AMEND THE OCCUPANCY TAX IN HALIFAX COUNTY. (Became law upon ratification, July 26, 2006 - S.L. 2006-164.)

S.B. 134, AN ACT TO ALLOW THE CITY OF CONOVER TO DISPOSE OF CERTAIN PROPERTY BY PRIVATE SALE. (Became law upon ratification, July 27, 2006 - S.L. 2006-165.)

S.B. 1199, AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS AND EMPLOYEES OF VARIOUS CITIES AND TOWNS TO USE ALL-TERRAIN VEHICLES ON THE PUBLIC STREETS AND HIGHWAYS IN THOSE CITIES AND TOWNS, AND AFFECTING ABANDONED AND JUNKED VEHICLES IN CERTAIN CITIES AND TOWNS. (Became law upon ratification, July 27, 2006 - S.L. 2006-166.)

S.B. 1431, AN ACT (1) TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX; AND (2) TO CREATE THE WILMINGTON CONVENTION CENTER DISTRICT; TO

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MODIFY THE DISTRIBUTION OF COUNTY AND CITY OCCUPANCY TAX PROCEEDS DERIVED FROM ACCOMMODATIONS LOCATED IN THE DISTRICT; TO CREATE THE NEW HANOVER COUNTY DISTRICT U; TO AUTHORIZE THE NEW HANOVER COUNTY DISTRICT U TO LEVY A THREE PERCENT OCCUPANCY TAX; AND TO MAKE ADMINISTRATIVE CHANGES TO THE WILMINGTON OCCUPANCY TAX. (Became law upon ratification, July 27, 2006 - S.L. 2006-167.)

CALENDAR (*continued*)

H.B. 1843 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT; TO CREATE THE STATE ETHICS COMMISSION; TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS; TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES; TO AMEND THE LOBBYING LAWS; AND TO MAKE CONFORMING CHANGES, placed earlier on today's Calendar for adoption.

Upon motion of Senator Clodfelter, 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.

S.B. 353 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW LANDFILLS IN THE STATE FOR A PERIOD BEGINNING ON 1 AUGUST 2006 AND ENDING ON 1 AUGUST 2007, SUBJECT ONLY TO THE FOLLOWING EXCEPTIONS; (I) AN AMENDMENT, MODIFICATION, OR OTHER CHANGE TO A PERMIT FOR A LANDFILL ISSUED ON OR BEFORE 1 JUNE 2006; (II) A PERMIT FOR A HORIZONTAL OR VERTICAL EXPANSION OF THE LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006; (III) A PERMIT TO CONSTRUCT A NEW LANDFILL WITHIN THE FACILITY BOUNDARY IDENTIFIED IN THE FACILITY PLAN OF A LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006; (IV) A PERMIT TO OPERATE A NEW LANDFILL IF A PERMIT TO CONSTRUCT THE NEW LANDFILL WAS ISSUED ON OR BEFORE 1 JUNE 2006; (V) A PERMIT FOR A SANITARY LANDFILL USED ONLY TO DISPOSE OF WASTE GENERATED BY A COAL-FIRED GENERATING UNIT THAT IS OWNED OR OPERATED BY AN INVESTOR-OWNED UTILITY SUBJECT TO THE REQUIREMENTS OF G.S. 143-215.107D; AND (VI) A PERMIT FOR A SANITARY LANDFILL DETERMINED TO BE NECESSARY BY THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES IN ORDER TO RESPOND TO AN IMMINENT HAZARD TO PUBLIC HEALTH OR A NATURAL DISASTER; TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO SOLID WASTE DISPOSAL IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT;

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AND TO CREATE THE JOINT SELECT COMMITTEE ON ENVIRONMENTAL JUSTICE, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill.

Without objection, Senator Swindell requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.

Upon motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor by special message.

The Senate recesses at 2:29 P.M. to reconvene at 3:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

The Chair grants leaves of absence for the remainder of today's session to Senator Graham, Senator Holloman and Senator Smith.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 27, 2006

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. 749**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE PARTNERSHIP AGREEMENTS TO MAKE NEEDED TRANSPORTATION IMPROVEMENTS, and requests conferees.

Speaker Black has appointed:

Representative Cole, Chair
Representative Saunders
Representative Coates, 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

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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
July 27, 2006

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. 1843**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT; TO CREATE THE STATE ETHICS COMMISSION; TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS; TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES; TO AMEND THE LOBBYING LAWS; AND TO MAKE CONFORMING CHANGES.

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

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 749 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE, AND TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE.

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. 749 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Jenkins, Chair, as the conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

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PERSONAL PRIVILEGES

Upon motion of Senator Brock, the remarks about and by Senator Garwood are spread upon the Journal, as follows:

Senator Basnight:

“In our lives we meet some pretty special people and characters in different regards and there’s been one that’s been pretty special, I believe, to all of us here. It’s a baldheaded guy in the back with the pinstripes on. By the way, John, neither one of them go together very well! But you’re like me, you never have been a good dresser! Now as I understand from a lady that you went to school with and knew a lot about you and she said you were very good dancer, but she also said you were a heck of a football player. John played quarterback at Appalachian State and Appalachian State has been his love for a long time. He realizes, Senator Nesbitt, what that school has meant to that section of North Carolina in our mountains and what it has done for its children. It has given an educational opportunity that allowed them to grow and stay home and develop in those hills and remain where they were rooted a long time ago by some of the most hardy people this State has ever produced. So your support for Appalachian State to me has been as great as anybody I’ve worked with in twenty-two years on behalf of that school and you have always reminded me of its importance and its place. John would say, you know, Chapel Hill is pretty good, they’re o.k., but let me tell you about Appalachian State and then he would appeal to my good senses to do the right thing and the right thing always was that they were treated fairly and that they had the advantages that everyone else had so that their graduates could remain there. What he wanted to see was that the personality of those mountains and those people could always be there no matter who you were. John talked to me about in his business how he had to manage people and time and difficulties and he always felt that he could do that with ease because he was honest with people. One of his employees moved to the Outer Banks in a little community called Colington and he started frequenting my restaurant and I’d see him and I’d ask him to tell me about John, and we would have laughter. And then he would tell me that John was the best boss he ever had in his life and anybody who ever worked with John knew that John was fair. He was square and he was willing to help everybody or anybody in the community. He cared more about his people that worked for him and that he lived with in the mountains than anyone he’d ever dealt with. So, John, I say to you a great big thank you to one swell guy, John Garwood.”

Senator Garwood:

“Madame President, I think I must try to respond to that. I thank you for those remarks, Senator Basnight. I can’t tell you folks, my good friends, what it has meant to me to be a member of this body for ten years. I never dreamed it would happen, never thought about it. It just occurred one day when I found out that Dan Simpson had given up his seat. I had been a County Commissioner and I had been on Appalachian’s Board of Trustees at that time and the UNC Board

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of Governors, so I felt like I was prepared for this service, but when I got here I found out that I was short in a lot of ways. But you folks held me up. You helped me because you knew I needed it and for that I'll always be thankful. Even more than that, I am thankful for your friendship, the friendship of, I hope, everyone in here. It's meant a lot to me. I don't know what else I can say except thank you for being nice to me. Thank you for accepting an old country boy who tried to do a little better and as I did I wanted those around me to do better and I felt the need to do what I could to help them do better as much as I could. It's been outstanding; it's been a joy. I've been honored by it and I'll never forget this. This is a body of honest people who want to help their fellow human beings. I admire that. I admire it in anybody and when I came here I came here without prejudice of color and I might have had a little political prejudice in me but you know serving on the Board of Governors for eleven years took a whole lot of that out of me. I did want to go to Chapel Hill, but I couldn't afford it. Appalachian offered me a football scholarship and I went there and it was close to home and I played a little football there and sat on the bench a whole lot, too. But there are lessons to be learned from that and maybe I picked up a couple. But thank all of you for your friendship. It means a great deal to me. Thank you very much, Madame President."

Senator Hagan:

"I did want to say one comment about Senator Garwood. I have a prayer that he prayed in June of 1999. I have a copy of that and when I give a lot of speeches like we all do, especially to Sunday School classes and church groups, this is a prayer that I give and it's – I don't know if you remember it, it's called 'A Glass of Cold Water.' John offered this and it's, 'Lord, we know that helping others is not only our civic responsibility, it's our spiritual responsibility, as well. Lord, lay your hand on us that we may endeavor to always offer others a cup of cold water. A cup of cold water may mean visiting the sick or lonely, sitting with the dying, helping a stranded motorist or just have a friendly manner. Or, it may mean the vote we cast to help the needy or oppressed. Life gives us daily opportunities to offer someone a cup of cold water. Acting on those opportunities moves us closer to God's presence, Lord. Teach us to help despite the inconvenience.' That's what I think of when I think of John Garwood so it's been a pleasure working with you, John. Thank you."

Senator Bingham:

"I'd like to say a few comments concerning John Garwood if that would be permissible. John, you've been my seatmate and I can't tell you how much I appreciate your friendship and all the things we've experienced. John has eaten all my peanuts and eaten all the snacks I had. John, I do appreciate you. You've been a dear friend and we're all going to miss you and I think the world of you and I'm in hopes that I can come up and visit with you in the near future and hope you'll be back down this way and we'll go out and I will treat you to eat hot dogs, again. God Bless you, John."

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Senator Garwood:

“Madame President, if I may. He bought my lunch today, hot dogs, up at the Roast Grill, that little hole in the wall hot dog place off of Hillsborough Street and they’re good hot dogs. I recommend them to all of you. Thank you.”

Senator Lucas

“It’s only fitting that I stand and say something about John Garwood. You know that he has served with Senator Swindell and me as tri-chairs and oftentimes it’s very difficult for three persons to work together so well and I think it’s because of his personality and his ability to team that we have worked so well together and, John Garwood, I don’t know who among your peers can do that. As I look around this room, I don’t know if I want any of them to take your place! Yes, I do, too! But you have been so wonderful. You have cooperated so well that we hate to see you leave. There were days when you didn’t know how to preside but we taught you well and now we hate to see you go. You presided well, John Garwood, and you did an excellent job. We wish you the very best and we want you to beat whoever runs against you again and come back to this place. You do plan to run again, don’t you? (laughter) We look forward to seeing you come back to visit us and may God Bless and keep you and your family.”

Senator Apodaca:

“I’ve been sitting here trying to think of a story I could tell about John but in mixed company I can’t think of one that would be appropriate! I remember when I first met John and one of the things that struck me about him was his sense of humor. The man has an incredible sense of humor and when he laughs I’ve never seen anyone else that laughs and their whole body shakes. I mean he certainly enjoys a good laugh among other things. It was amazing to hear today that Senator Bingham actually bought someone’s meal! That’s a first for this session, so that was a good thing. John has been very special to me. He is a true friend and he’s a great human being and what I’ll never forget is one time we were out, I think at some cafeteria where we’ll all be eating in January from now on, but he ran into some little kids and he was sitting there and the gleam that he had in his eye when he was looking at those children, I don’t know if he remembers this, but we went and sat down and he said every time I run into children like that I think about what awesome responsibility we have here to protect and to nurture and to brighten these children’s future. And he has truly cared about the children of North Carolina and their future and that’s the part about John Garwood I’ll never forget, among other things we’ll talk about some other time. But, John, we’re going to miss you and Godspeed, my friend.”

Senator Dalton:

“Thank you, Madame President, members of the Senate. I came to the Senate with John Garwood along with Ellie Kinnaird and David Weinstein and shortly after that, Senator Purcell came. And like everybody is saying, I remember the first time I met John and it’s very similar to what Senator Apodaca was saying.

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We were in the first Education Committee meeting we ever attended and we went around the room and introduced ourselves and John actually got a little emotional at that introduction as he did today because of what Senator Apodaca said. He wants to help people and he knew he was at a place where he could help people. He cares about North Carolina and he cares about the children of North Carolina and wants to make a better future. He realized he was at a place that he could help make that happen and he has helped make that happen over these ten years. I consider him a great friend and I'm going to miss him a whole lot and so I just wanted to say stay in touch, John, we need you back."

Senator Swindell:

"I want to stand for a point of personal privilege if I might and join my colleague over here and co-chair, Senator Lucas. John, you know, you teach us many things everyday and the thing that struck me as I sat here and listened to everyone today and some of the debate today about other things on this floor, John, the other night I was watching on public TV one of our fine special shows about all the clock towers in North Carolina, the one in Hillsborough, Madison, Yanceyville, Henderson and they moved across the State and all the pride that the people take who keep those clocks going whether it's the couple in Hillsborough or the firehouse and the firefighters in Henderson, and all the people that we represent in this body, the reason we all come here. And I want to say, John, that today as we debated other legislation in here, anytime you would come in my office and Jeanne and I would get with you, Jeanne, he would always say if you remember, my people so and so, my people. And I think the one thing that John Garwood stands for, and he knew my father before me and he's commented on that several times, is that whether you're in the gallery, whether you're on this floor, whether you're staff, we all have a little North Carolina we can take from John Garwood. He loves his people, he loves his State, and he loves his colleagues. John, we have been blessed to be a part of your life and as one who has tri-chaired Education with you, Godspeed and thank you for sharing with us."

CONFERENCE REPORT

Senator Garwood, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 350** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE MUNICIPALITIES OF AHOSKIE, CRAMERTON, FARMVILLE, AND LAGRANGE; TO PROVIDE THAT HIGH POINT CITY ELECTIONS SHALL BE HELD IN THE EVEN-NUMBERED YEARS AND DECIDED ON A PLURALITY BASIS; TO AMEND THE CHARTER OF THE TOWN OF MCFARLAN TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS; TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION

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OFFICIALS; TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE; TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER; PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261; AND TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, 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 350, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE MUNICIPALITIES OF AHOSKIE, CRAMERTON, FARMVILLE, AND LAGRANGE; TO PROVIDE THAT HIGH POINT CITY ELECTIONS SHALL BE HELD IN THE EVEN-NUMBERED YEARS AND DECIDED ON A PLURALITY BASIS; TO AMEND THE CHARTER OF THE TOWN OF MCFARLAN TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS; TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS; TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE; TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER; PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261; AND TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, House Committee Substitute Favorable 6/28/06, Third Edition Engrossed 6/29/06, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in the House Committee Substitute Favorable 6/28/06, Third Edition Engrossed 6/29/06, as amended:

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On page 3, lines 26-27, by inserting the following between the lines:

"SECTION 8.(c) No town exercising extraterritorial jurisdiction under this section may do so without 180 days notification to the board of county commissioners of the county in which the town lies, unless that board of county commissioners agrees to an earlier date."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 27, 2006.

Conferees for the Senate

S/John A. Garwood, Chair
S/William R. Purcell
S/Clark Jenkins
S/Charles W. Albertson

Conferees for the House of Representatives

S/Pryor Gibson, Chair
S/Laura I. Wiley
S/Russell E. Tucker

Upon motion of Senator Garwood, the rules are suspended and the Conference Report is placed on today's Calendar for immediate consideration upon adoption.

Upon motion of Senator Garwood, the Senate adopts the Conference Report (24-19).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 643** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PRIVATE FUNDING OF CERTAIN PUBLIC INTERCHANGES AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT OF AIRSPACE ABOVE STATE ROAD 1250, SPRINGFIELD ROAD, NEAR ROCKY MOUNT FOR THE CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM, 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 643, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PRIVATE FUNDING OF CERTAIN PUBLIC INTERCHANGES AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT OF AIRSPACE

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ABOVE STATE ROAD 1250, SPRINGFIELD ROAD, NEAR ROCKY MOUNT FOR THE CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM, Senate Transportation Committee Substitute Adopted 7/12/06, submit the following report:

The House and Senate agree to the following amendments to the Senate Transportation Committee Substitute Adopted 7/12/06, and the House concurs in the Senate Transportation Committee Substitute as amended:

On page 1, lines 2-3, by deleting the following: "TO PROVIDE FOR PRIVATE FUNDING OF CERTAIN PUBLIC INTERCHANGES AND";

And on page 1, line 8 through page 3, line 8, by deleting those lines in their entirety;

And by renumbering the remaining sections of the bill.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 27, 2006.

Conferees for the Senate

Conferees for the House of Representatives

S/Clark Jenkins, Chair

S/Lucy T. Allen, Chair

S/Linda Coleman

S/Bill Daughtridge

Upon motion of Senator Jenkins, the rules are suspended and the Conference Report, which changes the title, is placed on today's Calendar for immediate consideration upon adoption.

Upon motion of Senator Jenkins, 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.

The Senate recesses at 4:17 P.M. to reconvene at 5:30 P.M. subject to receipt of messages from the House of Representatives, committee reports, conference reports, appointment of conferees and ratification of bills.

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 Pittenger.

July 27, 2006

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.J.R. 2066, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2005 REGULAR SESSION OF THE GENERAL ASSEMBLY.

Upon motion of Senator Rand, the rules are suspended and the Senate Joint Resolution is placed before the Senate for immediate consideration.

The Senate Joint Resolution passes its second (38-0) and third readings and is ordered sent to the House of Representatives by special message.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 2212** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOTTERY OVERSIGHT COMMITTEE, 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 2212, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOTTERY OVERSIGHT COMMITTEE, Senate Appropriations/Base Budget Committee Substitute Adopted 7/18/06, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Appropriations/Base Budget Committee Substitute Adopted 7/18/06, 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 H2212-PCCS70812-RV-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 27, 2006.

Conferees for the Senate

Conferees for the House of Representatives

S/Tony Rand, Chair

S/Bernard Allen, Chair

S/Bill Owens

S/Pricey Harrison

S/Hugh Holliman

July 27, 2006

The text of the attached Proposed Conference Committee Substitute, H2212-PCCS70812-RV-3 is as follows:

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE LOTTERY OVERSIGHT COMMITTEE,
AND TO PROVIDE FOR THE DISTRIBUTION OF UNCLAIMED
LOTTERY PRIZES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 18C of the General Statutes is amended by adding a new section to read:

"§ 18C-172. Lottery Oversight Committee.

(a) Creation and Membership. – The Lottery Oversight Committee is established. The Committee shall be located administratively in the General Assembly. The Committee shall consist of nine members appointed as provided below. In making appointments, each appointing officer shall select members who have appropriate experience and knowledge of the issues to be examined by the Committee and shall strive to ensure racial, gender, and geographical diversity among the membership.

- (1) Three members shall be appointed by the Speaker of the House of Representatives, at least one being an educator and at least one being a person trained or experienced in financial management.
- (2) Three members shall be appointed by the President Pro Tempore of the Senate, at least one being an educator and at least one being a person trained or experienced in financial management.
- (3) Three members shall be appointed by the Governor, at least one being an educator and at least one being a person trained or experienced in financial management.

(b) Terms. – Terms on the Committee are for three years and begin on January 1, except the terms of the initial members, which begin on appointment. A member continues to serve until a successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

(c) Purpose and Powers. – The Committee shall:

- (1) Review whether expenditures of the net revenues of the Lottery have been in accordance with Article 7 of this Chapter, and study ways to ensure that net proceeds from the Lottery will not be used to supplant education funding but to provide additional funding for education.
- (2) Receive and review reports submitted to the General Assembly pursuant to Chapter 18C of the General Statutes.
- (3) Study other Lottery matters as the Committee considers necessary to fulfill its mandate.

(d) Reports. – The Committee shall report its analysis and any findings and recommendations to the General Assembly by September 15 of each year. The Committee may make interim reports to the General Assembly regarding the expenditure of net Lottery revenues.

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(e) Organization. – The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Committee. The Committee shall meet at least once a quarter upon the joint call of the cochairs. A quorum of the Committee is six members. No action may be taken except by a majority vote at a meeting at which a quorum is present.

(f) Funding. – From funds available to the General Assembly, the Legislative Services Commission shall allocate monies to fund the work of the Committee. Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1 and G.S. 138-5.

(g) Staff. – 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 Director of Legislative Assistants 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 2. G.S. 18C-115 reads as rewritten:

"§ 18C-115. Reports.

The Commission shall send quarterly and annual reports on the operations of the Commission to the Governor, State Treasurer, the Lottery Oversight Committee, and to the General Assembly. The reports shall include complete statements of lottery revenues, prize disbursements, expenses, net revenues, and all other financial transactions involving lottery funds, including the occurrence of any audit."

SECTION 3. Section 31.1(ii) of S.L. 2005-276 is repealed.

SECTION 4. G.S. 18C-132(b) reads as rewritten:

"(b) Prizes that remain unclaimed after the period set by the Commission for claiming the prizes shall not be considered abandoned property. If a valid claim is not made for a prize within the applicable period, the unclaimed prize money shall be handled in accordance with ~~Article 35A of Chapter 115C of the General Statutes~~; this Chapter."

SECTION 5. This act is effective when it becomes law.

Upon motion of Senator Rand, the rules are suspended and the Conference Report, which changes the title, is placed on today's Calendar for immediate consideration upon adoption.

Upon motion of Senator Rand, the Senate adopts the Conference Report (39-0).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 749** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER

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INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE, AND TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE, 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 749, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE, AND TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE, Senate Finance Committee Substitute Adopted 7/19/06, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 7/19/06, 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 H749-PCCS80687-RW-4.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 27, 2006.

Conferees for the Senate

Conferees for the House of Representatives

S/Clark Jenkins, Chair

S/Nelson Cole, Chair

S/Drew Saunders

S/Lorene Coates

Bonner L. Stiller

The text of the attached Proposed Conference Committee Substitute, H749-PCCS80687-RW-4 is as follows:

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A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, AND TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 136-18 reads as rewritten:

"§ 136-18. Powers of Department of Transportation.

The said Department of Transportation ~~shall be~~ is vested with the following powers:

...

(39) To enter into partnership agreements with the North Carolina Turnpike Authority, private entities, and authorized political subdivisions to finance, by tolls and other financing methods authorized by law, the cost of acquiring, constructing, equipping, maintaining, and operating highways, roads, streets, and bridges in this State. An agreement entered into under this subdivision requires the concurrence of the Board of Transportation."

SECTION 1.(b) G.S. 136-89.183(a)(17) reads as rewritten:

"(17) To enter into partnership ~~agreements,~~ agreements with the Department of Transportation, agreements with political subdivisions of the State, and agreements with private entities, and to expend such funds as it deems necessary, pursuant to such agreements, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project. An agreement entered under this subdivision requires the concurrence of the Board of Transportation if the Department of Transportation is a party to the agreement."

SECTION 1.(c) G.S. 143B-350(f) reads as rewritten:

"(f) Duties of the Board. – The Board of Transportation ~~shall have~~ has the following duties and powers:

- (1) To formulate policies and priorities for all modes of transportation under the Department of ~~Transportation;~~ Transportation.
- (2) To advise the Secretary on matters to achieve the maximum public benefit in the performance of the functions assigned to the ~~Department;~~ Department.
- (3) To ascertain the transportation needs and the alternative means to provide for these needs through an integrated

system of transportation taking into consideration the social, economic and environmental impacts of the various ~~alternatives;~~alternatives.

- (4) To approve a schedule of all major transportation improvement projects and their anticipated cost for a period of seven years into the future. This schedule is designated the Transportation Improvement Program; it must be published and copies must be available for distribution. The document that contains the Transportation Improvement Program, or a separate document that is published at the same time as the Transportation Improvement Program, must include the anticipated funding sources for the improvement projects included in the Program, a list of any changes made from the previous year's Program, and the reasons for the ~~changes;~~changes.
- (5) To consider and advise the Secretary of Transportation upon any other transportation matter that the Secretary may refer to ~~it;~~it.
- (6) To assist the Secretary of Transportation in the performance of his duties in the development of programs and approve priorities for programs within the ~~Department;~~Department.
- (7) To allocate all highway construction and maintenance funds appropriated by the General Assembly as well as federal-aid funds which may be ~~available;~~available.
- (8) To approve all highway construction ~~programs;~~programs.
- (9) To approve all highway construction projects and construction plans for the construction of ~~projects;~~projects.
- (10) To review all statewide maintenance ~~functions;~~functions.
- (11) To award all highway construction ~~contracts;~~contracts.
- (12) To authorize the acquisition of rights-of-way for highway improvement projects, including the authorization for acquisition of property by eminent ~~domain;~~domain.
- (12a) To approve partnership agreements with the North Carolina Turnpike Authority, private entities, and authorized political subdivisions to finance, by tolls and other financing methods authorized by law, the cost of acquiring, constructing, equipping, maintaining, and operating highways, roads, streets, and bridges in this State.
- (13) To promulgate rules, regulations, and ordinances concerning all transportation functions assigned to the Department."

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SECTION 2. G.S. 20-183.7(a) reads as rewritten:

"(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance of an inspection sticker, the fee must be collected. The following fees apply to an inspection of a vehicle and the issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only	\$ 8.25	\$0.85
Emissions and Safety	23.50	6.50.

The fee for performing an inspection of a vehicle applies when an inspection is performed, regardless of whether the vehicle passes the inspection. The fee for an inspection sticker applies when an inspection sticker is put on a vehicle. The fee for an inspection sticker does not apply to a replacement inspection sticker for use on a windshield replaced by a business registered with the Division pursuant to G.S. 20-183.6. The fee for inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies only to an inspection performed with a light meter after a safety inspection mechanic determined that the window had after-factory tint. A safety inspection mechanic shall not inspect an after-factory tinted window of a vehicle for which the Division has issued a medical exception permit pursuant to G.S. 20-127(f).

A vehicle that is inspected at an inspection station and fails the inspection is entitled to be reinspected at the same station at any time within 30 days of the failed inspection without paying another inspection fee.

The inspection fee for an emissions and safety inspection set out in this subsection is the maximum amount that an inspection station or an inspection mechanic may charge for an emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic may charge the maximum amount or any lesser amount for an emissions and safety inspection of a vehicle. The inspection fee for a safety only inspection set out in this subsection may not be increased or decreased. The sticker fees set out in this subsection may not be increased or decreased."

SECTION 3. Section 1 of this act becomes effective August 1, 2006. Section 2 of this act becomes effective July 1, 2007. The remainder of this act is effective when it becomes law.

Upon motion of Senator Jenkins, the rules are suspended and the Conference Report, which changes the title, is placed on today's Calendar for adoption.

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1025** (Senate

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Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOL BEVERAGE CONTROL LAWS, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1025, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOL BEVERAGE CONTROL LAWS, Senate Finance Committee Substitute Adopted 7/11/06, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 7/11/06, and the House concurs in the Senate Finance Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H1025-PCCS70813-RV-4.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 27, 2006.

Conferees for the Senate *Conferees for the House of Representatives*

S/Tony Rand, Chair	S/Paul Luebke, Chair
S/Kay Hagan	S/Martha B. Alexander
S/Tom Apodaca	S/Pryor Gibson

The text of the attached Proposed Conference Committee Substitute, H1025-PCCS70813-RV-4 is as follows:

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOL
BEVERAGE CONTROL LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1001 is amended by adding a new subdivision to read:

"(17) Winemaking on Premises Permit. – A permit may be issued to a business, located in a jurisdiction where the sale of unfortified wine is allowed, where individual customers who are 21 years old or older may purchase ingredients and rent the equipment, time, and space to make unfortified wine for personal use in amounts set forth in 27 C.F.R. § 24.75. Except for wine produced for testing equipment or

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recipes and samples pursuant to this subdivision, the permit holder shall not engage in the actual production or manufacture of wine. Samples may be consumed on the premises only by a person who has a nonrefundable contract to ferment at the premises, and the samples may not exceed one ounce per sample. All wine produced at a winemaking on premises facility shall be removed from the premises by the customer and may only be used for home consumption and the personal use of the customer."

SECTION 2. G.S. 18B-307 reads as rewritten:

"§ 18B-307. Manufacturing offenses.

(a) Offenses. – It shall be unlawful for any person, except as authorized by this Chapter, to:

- (1) Sell or possess equipment or ingredients intended for use in the manufacture of any alcoholic beverage, except equipment and ingredients provided under a Brew on Premises permit or a Winemaking on Premises permit; or
- (2) Knowingly allow real or personal property owned or possessed by him to be used by another person for the manufacture of any alcoholic beverage, except pursuant to a Brew on Premises permit or a Winemaking on Premises permit.

(b) Unlawful Manufacturing. – Except as provided in G.S. 18B-306, it shall be unlawful for any person to manufacture any alcoholic beverage, except at an establishment with a Brew on Premises permit or a Winemaking on Premises permit, without first obtaining the applicable ABC permit and revenue licenses.

(c) Second Offense of Manufacturing. – A second offense of unlawful manufacturing of alcoholic beverage shall be a Class I felony."

SECTION 3. G.S. 18B-902(d) is amended by adding two new subdivisions to read:

"(38) Winemaking on Premises permit – \$400.00.

(39) Wine shipper packager permit – \$100.00."

SECTION 4. G.S. 18B-1001.1(c) reads as rewritten:

"(c) A wine shipper permittee may contract with the holder of a wine shipper packager permit for the packaging and shipment of wine pursuant to this section. The direct shipment of wine by wine shipper or wine shipper packager permittees ~~made~~ pursuant to this section shall be made by approved common carrier only. Each common carrier shall apply to the Commission for approval to provide common carriage of wines shipped by holders of permits issued pursuant to this section.

Each common carrier making deliveries pursuant to this section shall:

- (1) Require the recipient, upon delivery, to demonstrate that the recipient is at least 21 years of age by providing a form of identification specified in G.S. 18B-302(d)(1).

- (2) Require the recipient to sign an electronic or paper form or other acknowledgment of receipt as approved by the Commission.
- (3) Refuse delivery when the proposed recipient appears to be under the age of 21 years and refuses to present valid identification as required by subdivision (1) of this subsection.
- (4) Submit any other information that the Commission shall require.

All wine shipper and wine shipper packager permittees shipping wines pursuant to this section shall affix a notice in 26-point type or larger to the outside of each package of wine shipped within or to the State in a conspicuous location stating: "CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY". Any delivery of wines to a person under 21 years of age by a common carrier shall constitute a violation of G.S. 18B-302(a)(1) by the common carrier. The common carrier and the wine shipper or wine shipper packager permittee shall be liable only for their independent acts."

SECTION 5. G.S. 18B-1001.2 reads as rewritten:

"§ 18B-1001.2. Additional wine shipping requirements.

- (a) A wine shipper permittee shall:
 - (1) Compile and submit to the Commission quarterly a summary indicating all wine products shipped, including brand and price of each product, date of each shipment, quantity of each shipment, and amount of excise and sales tax remitted to the Department of Revenue. The report shall include all wine products shipped on the permittee's behalf under contract with a wine shipper packager.
 - (2) Register with the Department of Revenue as a wine shipper permittee and provide any additional information required by the Department.
- (b) The Commission may adopt rules to carry out the provisions of this section and other related provisions governing the direct shipping of wine."

SECTION 6. Article 10 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-1001.3. Authorization of wine shipper packager permit.

The holder of a wine shipper packager permit may provide services for the warehousing, packaging, and shipment of wine on behalf of a winery holding a wine shipper permit. A wine shipper packager permit authorizes the holder to receive, in closed containers, wine produced by and belonging to a wine shipper permittee and to place the unopened wine in containers or packaging materials as a service to the wine shipper permittee in connection with the marketing and sale of its wine products. A wine shipper packager may package and return wine products to the wine shipper permittee or, on behalf of the wine shipper permittee, may package and ship wine products in closed containers to individual purchasers inside and outside this State in accordance with the

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provisions of G.S. 18B-1001.1. The permit may be issued to a USDA-approved company specializing in warehousing and contract packaging."

SECTION 7. G.S. 18B-1006(a) reads as rewritten:

"(a) School and College Campuses. – No permit for the sale of malt beverages, unfortified wine, or fortified wine shall be issued to a business on the campus or property of a public school or college, other than at a regional facility as defined by G.S. 160A-480.2 operated by a facility authority under Part 4 of Article 20 of Chapter 160A of the General Statutes except for a public school or college function, unless that business is a hotel or a nonprofit alumni organization with a mixed beverages permit or a special occasion permit. This subsection shall not apply on property owned by a local board of education which was leased for 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing board is appointed by a city board of aldermen, a county board of commissioners, or a local school board. This subsection shall also not apply to the constituent institutions of The University of North Carolina with respect to the sale of beer and wine at performing arts centers located on property owned or leased by the institutions if the seating capacity does not exceed 2,000 ~~seats~~seats, or to any golf courses owned or leased by the institutions and open to the public for use."

SECTION 8. G.S. 18B-108 reads as rewritten:

"§ 18B-108. Sales on trains.

Alcoholic beverages may be sold on railroad trains in this State upon compliance with Article 2C of Chapter 105 of the General Statutes. Malt beverages, unfortified wine, and fortified wine may be sold and delivered by any wholesaler or retailer licensed in this State to an officer or agent of a rail line that carries at least 60,000 passengers annually."

SECTION 9. G.S. 18B-1001(16) reads as rewritten:

"§ 18B-1001. Kinds of ABC permits; places eligible.

When the issuance of the permit is lawful in the jurisdiction in which the premises are located, the Commission may issue the following kinds of permits:

...

- (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.~~ The holder of a wine-tasting permit not engaged in the preparation or sale of food on the premises is not subject to Part 6 of Article 8 of Chapter 130A of the General Statutes."

SECTION 10. G.S. 18B-203(a) reads as rewritten:

"(a) Powers. – The Commission shall have authority to:

...

(19) Recognize the holder of a wine importer permit or nonresident wine vendor permit as a primary American source of supply for the wine of a winery. To be considered a primary American source of supply, a wine importer must establish that it has lawfully purchased the wine from the winery, or from an agent of the winery, and by written contract or otherwise has been authorized by the winery to distribute the wine to wholesalers in the United States."

SECTION 11. G.S. 18B-1106 reads as rewritten:

"§ 18B-1106. **Authorization of wine importer permit.**

(a) Authorization. – The holder of a wine importer permit may:

- (1) Import fortified and unfortified wines from outside the United States in closed containers;
- (2) Store those wines;
- (3) Sell those wines to wine wholesalers for purposes of resale.

(b) Distribution Agreements. – Wine distribution agreements are governed by Article 12 of this Chapter.

(c) The holder of a wine importer permit may import and sell to wholesalers only wine for which it is a primary American source of supply. To be considered a primary American source of supply, a wine importer must establish that it has lawfully purchased the wine from the winery, or from an agent of the winery, and by written contract or otherwise has been authorized by the winery to distribute the wine to wholesalers in the United States."

SECTION 12. G.S. 18B-1107 reads as rewritten:

"§ 18B-1107. **Authorization of wine wholesaler permit.**

(a) Authorization. – The holder of a wine wholesaler permit may:

- (1) Receive, possess and transport shipments of fortified and unfortified ~~wine;~~ wine. The wine must be received from one of the following:

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- a. A primary American source of supply for that wine as recognized by the Commission or as verified by the wholesaler.
 - b. A licensed North Carolina wholesaler who received the wine from a primary American source of supply and with whom the second wholesaler has a subcontracting agreement for distribution of the wine.
 - c. Another wholesaler from whom the purchasing wholesaler is purchasing the wholesaler's business or from whom the wholesaler is purchasing the brand or distribution rights for the wine being received.
 - d. Another wholesaler who also has distribution rights for the wine being received and from whom the wholesaler is acquiring the wine in order to address a temporary inventory shortage.
- (2) Sell, deliver and ship wine in closed containers for purposes of resale to wholesalers or retailers licensed under this Chapter as authorized by the ABC ~~laws;~~ laws.
 - (3) Furnish and sell wine to its employees, subject to the rules of the Commission and the Department of ~~Revenue;~~ Revenue.
 - (4) In locations where the sale is legal, furnish wine to guests and any other person who does not hold an ABC permit, for promotional purposes, subject to rules of the ~~Commission;~~ Commission.
 - (5) Sell out-of-date unfortified and fortified wines to holders of cider and vinegar manufacturer permits, provided that each bottle is marked "out-of-date" by the wholesaler.

(b) Distribution Agreements. – Wine distribution agreements are governed by Article 12 of this Chapter."

SECTION 13. G.S. 18B-1114 reads as rewritten:

"§ 18B-1114. Authorization of nonresident wine vendor permit.

The holder of a nonresident wine vendor permit may sell, deliver, and ship unfortified and fortified wine in this State only to wholesalers, importers, and bottlers licensed under this Chapter, as authorized by the ABC laws. The unfortified and fortified wine must come to rest at the licensed premises of a wine wholesaler in this State before being resold to a retailer. A nonresident wine vendor permit may be issued to a winery, a wholesaler, an importer, or a bottler outside North Carolina who desires to sell, deliver, and ship unfortified and fortified wine into this State. The holder of a nonresident wine vendor permit may sell, deliver, and ship into this State only wine for which it is a primary American source of supply. To be considered a primary American source of supply, a nonresident wine vendor must establish that it has lawfully purchased the wine from the winery, or from an agent of the winery, and by

written contract or otherwise has been authorized by the winery to distribute the wine to wholesalers in the United States."

SECTION 14. Effective July 1, 2007, G.S. 105-113.81A reads as rewritten:

"§ 105-113.81A. Distribution of part of wine taxes attributable to North Carolina wine.

The Secretary shall on a quarterly basis credit to the Department of Commerce two hundred thousand dollars (\$200,000) from the net proceeds of the excise tax collected on unfortified wine bottled in North Carolina during the previous quarter and the net proceeds of the excise tax collected on fortified wine bottled in North Carolina during the previous quarter, except that the amount credited to the Department of Commerce under this section shall not exceed five hundred thousand dollars (\$500,000) per fiscal year wine. The Department of Commerce shall allocate the funds received under this section to the North Carolina Wine and Grape Growers Council to be used to promote the North Carolina grape and wine industry and to contract for research and development services to improve viticultural and enological practices in North Carolina. Any funds credited to the Department of Commerce under this section that are not expended by June 30 of any fiscal year ~~may do~~ not revert to the General Fund, but ~~shall~~ remain available to the Department for the uses set forth in this section."

SECTION 15. Except as otherwise provided herein, this act is effective when it becomes law.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed before the Senate for immediate consideration upon adoption.

Upon motion of Senator Rand, the Senate adopts the Conference Report (31-9).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR *(continued)*

H.B. 749 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, AND TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE, placed earlier on today's Calendar for adoption.

Upon motion of Senator Rand, the Senate adopts the Conference Report (38-2).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 5:56 P.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 6:06 P.M. subject to ratification of bills.

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RECESS**ENROLLED BILLS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 353, AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW LANDFILLS IN THE STATE FOR A PERIOD BEGINNING ON 1 AUGUST 2006 AND ENDING ON 1 AUGUST 2007, SUBJECT ONLY TO THE FOLLOWING EXCEPTIONS: (I) AN AMENDMENT, MODIFICATION, OR OTHER CHANGE TO A PERMIT FOR A LANDFILL ISSUED ON OR BEFORE 1 JUNE 2006; (II) A PERMIT FOR A HORIZONTAL OR VERTICAL EXPANSION OF THE LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006; (III) A PERMIT TO CONSTRUCT A NEW LANDFILL WITHIN THE FACILITY BOUNDARY IDENTIFIED IN THE FACILITY PLAN OF A LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006; (IV) A PERMIT TO OPERATE A NEW LANDFILL IF A PERMIT TO CONSTRUCT THE NEW LANDFILL WAS ISSUED ON OR BEFORE 1 JUNE 2006; (V) A PERMIT FOR A SANITARY LANDFILL USED ONLY TO DISPOSE OF WASTE GENERATED BY A COAL-FIRED GENERATING UNIT THAT IS OWNED OR OPERATED BY AN INVESTOR-OWNED UTILITY SUBJECT TO THE REQUIREMENTS OF G.S. 143-215.107D; AND (VI) A PERMIT FOR A SANITARY LANDFILL DETERMINED TO BE NECESSARY BY THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES IN ORDER TO RESPOND TO AN IMMINENT HAZARD TO PUBLIC HEALTH OR A NATURAL DISASTER; TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO SOLID WASTE DISPOSAL IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT; AND TO CREATE THE JOINT SELECT COMMITTEE ON ENVIRONMENTAL JUSTICE.

S.B. 1436, AN ACT TO ALLOW REGIONAL COUNCILS OF GOVERNMENT TO FINANCE REAL PROPERTY ACQUISITIONS AND IMPROVEMENTS AND TO MAKE REVISIONS RELATED TO TAX INCREMENT FINANCING.

S.B. 1564, AN ACT TO AMEND THE STATUTES GOVERNING SANITARY LANDFILL FRANCHISE ORDINANCES AND AGREEMENTS TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED TO, AWARD SANITARY LANDFILL FRANCHISES; TO PROVIDE FOR THE AWARD OF PRELIMINARY FRANCHISES AS WELL AS FRANCHISES AND TO SPECIFY THE INFORMATION TO BE INCLUDED THEREIN; TO ENSURE THAT SANITARY LANDFILL

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FRANCHISES ARE AWARDED ONLY AFTER ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO PROVIDE THAT FRANCHISES ARE AWARDED ONLY AFTER PUBLIC NOTICE OF THE LOCATION OF THE PROPOSED SANITARY LANDFILL; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES; AND TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES TO ANY APPLICATION FOR A PRELIMINARY FRANCHISE OR FRANCHISE THAT IS FILED WITH A LOCAL GOVERNMENT ON OR AFTER THAT DATE AND THAT THIS ACT DOES NOT AFFECT ANY FRANCHISE THAT HAS BEEN AWARDED AS OF THE DATE ON WHICH THIS ACT BECOMES EFFECTIVE UNLESS THE FRANCHISE PROVIDES FOR A FINAL VOTE OF THE GOVERNING BOARD OF THE LOCAL GOVERNMENT ON THE FRANCHISE AND THE FINAL VOTE OCCURS ON OR AFTER 1 NOVEMBER 2006, IN WHICH CASE THE PROVISIONS OF G.S. 130A-294(B1), AS AMENDED BY THIS ACT, APPLY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

S.B. 2051, AN ACT TO REDUCE ENERGY, FUEL, AND WATER CONSUMPTION IN THE STATE THROUGH: (1) DEVELOPMENT OF A PLAN TO INCREASE THE AVAILABILITY AND USE OF ALTERNATIVE FUELS IN STATE-OWNED VEHICLE FLEETS; (2) PROVISION OF ENERGY ASSISTANCE TO LOW-INCOME PERSONS; (3) DEVELOPMENT OF A STRATEGIC PLAN TO EXPAND THE BIOFUELS INDUSTRY IN NORTH CAROLINA; AND (4) STUDY MECHANISMS TO IMPROVE ENERGY AND WATER CONSERVATION IN STATE-OWNED FACILITIES.

H.B. 128, 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 CLARIFY WHAT REASONABLE ADMINISTRATIVE EXPENSES INCLUDE; AND TO PROVIDE THAT EXCEPT FOR THEIR ENVELOPE, PROVISIONAL BALLOTS SHALL NOT BE MARKED TO BE IDENTIFIABLE TO A VOTER.

H.B. 859, AN ACT TO AUTHORIZE THE ADOPTION OR AMENDMENT OF A TRANSPORTATION CORRIDOR OFFICIAL MAP BY THE WILMINGTON URBAN AREA MPO.

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H.B. 1155, AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL.

H.B. 1825, AN ACT TO DELAY IMPLEMENTATION OF THE REVISED SECONDARY ROAD FORMULA TO JULY 1, 2007; TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PAVE SECONDARY ROADS ON A REDUCED RIGHT-OF-WAY, IF THE DIVISION ENGINEER DETERMINES IT CAN BE DONE SAFELY; TO REQUIRE THAT THE DEPARTMENT OF TRANSPORTATION, BEGINNING IN THE 2006-2007 FISCAL YEAR AND UNTIL THE 2009-2010 FISCAL YEAR, SET ASIDE UP TO FIVE MILLION DOLLARS TO PAY FOR THE PAVING OF ANY UNPAVED SECONDARY ROAD THAT HAD PREVIOUSLY BEEN DETERMINED TO BE INELIGIBLE FOR PAVING; AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE COST OF PAVING AND MAINTENANCE OF PAVED AND UNPAVED SECONDARY ROADS IN DIFFERENT GEOGRAPHIC AREAS OF THE STATE.

H.B. 1843, AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT; TO CREATE THE STATE ETHICS COMMISSION; TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS; TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES; TO AMEND THE LOBBYING LAWS; AND TO MAKE CONFORMING CHANGES.

H.B. 1896, AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (5) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (6) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (7) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; (8) TO MAKE IT A CLASS G FELONY FOR A SEX OFFENDER TO RESIDE WITHIN ONE THOUSAND FEET OF A PUBLIC OR NONPUBLIC SCHOOL OR A CHILD CARE CENTER; (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS

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BY THE DIVISION OF MOTOR VEHICLES; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS "AN ACT TO PROTECT NORTH CAROLINA'S CHILDREN/SEX OFFENDER LAW CHANGES."

H.B. 2147, AN ACT TO REQUIRE STATE AGENCIES TO USE EXISTING PLANS FOR STATE CONSTRUCTION PROJECTS WHERE FEASIBLE.

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

DISMISSAL OF CONFEREES

S.B. 2010 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE OF AN AIRCRAFT AND TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES.

Without objection, Senator Rand offers a motion that the Senate Conferees appointed on July 20 to resolve the differences in the House Committee Substitute bill be dismissed, which motion prevails

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute is placed before the Senate for immediate consideration.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate failed to concur in the House Committee Substitute bill be reconsidered which motion prevails. The question before the Body becomes the concurrence in the House Committee Substitute bill for S.B. 2010.

Upon motion of Senator Hagan, the Senate concurs in the House Committee Substitute bill (38-2) and the bill is ordered enrolled and sent to the Governor by special message.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

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 (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, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2 60882, which changes the title upon concurrence to read **H.B. 1723** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed on today's Calendar.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 264 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, for concurrence in the House Committee Substitute bill and House Amendment No. 1.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill, as amended, is placed on the Calendar for immediate consideration.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill, as amended, (41-0) and the bill is ordered engrossed and enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 27, 2006

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. 350**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE MUNICIPALITIES OF AHOSKIE, CRAMERTON, FARMVILLE, AND LAGRANGE; TO PROVIDE THAT HIGH POINT CITY ELECTIONS SHALL BE HELD IN THE EVEN-NUMBERED YEARS AND DECIDED ON A PLURALITY BASIS; TO AMEND THE CHARTER OF THE TOWN OF MCFARLAN TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS; TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS; TO REPEAL A LIMIT ON THE

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NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE; TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER; PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261; AND TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

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. 350 earlier today, 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 27, 2006

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. 643**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT OF AIRSPACE ABOVE STATE ROAD 1250, SPRINGFIELD ROAD, NEAR ROCKY MOUNT FOR THE CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM.

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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CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1059** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO CLARIFY ENROLLMENT IN THE PPO OPTIONAL PROGRAM ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 3 OF CHAPTER 135 OF THE GENERAL STATUTES; AND TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PERMIT A CERTAIN NUMBER OF LOCAL GOVERNMENTS OPTIONAL COVERAGE UNDER THE PLAN, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1059, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO CLARIFY ENROLLMENT IN THE PPO OPTIONAL PROGRAM ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 3 OF CHAPTER 135 OF THE GENERAL STATUTES; AND TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PERMIT A CERTAIN NUMBER OF LOCAL GOVERNMENTS OPTIONAL COVERAGE UNDER THE PLAN, Senate Rules and Operations of the Senate Committee Substitute Adopted 7/20/06, Fifth Edition Engrossed 7/21/06, submit the following report:

The House and Senate agree to the following amendments to the Senate Rules and Operations of the Senate Committee Substitute Adopted 7/20/06, and the House concurs in the Senate Rules and Operations of the Senate Committee Substitute as amended:

And on page 3, lines 18 through 25 by rewriting the lines to read:

"SECTION 3. Personnel. – For the purpose of improving efficiency and cost-effectiveness of Plan operations, the Executive Administrator and Board of Trustees of the North Carolina State Health Plan may create eight new full-time positions, five of which shall be subject to the State Personnel Act under G.S. 126-5, and three of which shall be exempt from the State Personnel Act under G.S. 126-5(c). The Executive Administrator and Board of Trustees may use up to five hundred sixty-three thousand one hundred six dollars (\$563,106) of available funds to support these positions.";

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And on page 3, lines 26 through 30, by rewriting the lines to read:

"SECTION 4.(a) Pharmacy Benefit Authorization and Enrollment Clarification. – G.S. 135-39.5B(b) reads as rewritten:

(b) The Executive Administrator and Board of Trustees may, after consulting with the Committee on Employee Hospital and Medical Benefits, adopt an arrangement for an optional hospital and medical benefits program other than the one specified in subsection (a) of this section. The optional program may include one that is purchased or underwritten by the State and may be a PPO or other type optional program. Optional programs under this section are not subject to benefits and cost-sharing requirements under G.S. 135-40.5 through ~~G.S. 135-40.9~~G.S. 135-40.9, except that if a pharmacy benefit is not provided under the optional program, the pharmacy benefit under G.S. 135-40.59(g) shall apply. The Executive Administrator and Board of Trustees may set premium rates for coverage under an optional program on a partially contributory basis, provided that the amounts of State funds contributed for coverage on a partially contributory basis shall not be more than the Plan's total noncontributory premium for Employee Only coverage, with the person selecting the optional program coverage paying the balance of the partially contributory premium not paid by the Plan. The amount of State funds contributed for purchased optional programs shall not exceed the amount of a purchased optional program's cost for Employee Only coverage. Contracts for an optional program under this subsection are not subject to Article 3 of Chapter 143 of the General Statutes. In no instance shall benefits be paid under Part 3 of this Article for persons enrolled in an optional prepaid hospital and medical benefits program authorized under this subsection on and after the effective date of enrollment in the optional prepaid plan, except in cases of continuous hospital confinement approved by the Executive Administrator.";

And on page 3, line 36 through page 5, line 32, by rewriting those lines to read:

"SECTION 5. The Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan ("Plan") may admit up to four additional local government employers to participate in the Plan upon application in accordance with G.S. 135-40.1(6), as enacted in Section 31.26 of S.L. 2004-424. The Executive Administrator and Board of Trustees shall have discretion in selecting the additional local government employers based on sound criteria developed by the Executive Administrator to evaluate the financial impact on the operations of the Plan. The Executive Administrator shall report the proposed selections and the criteria used in making the selections to the Committee on Employee Hospital and Medical Benefits prior to submitting the selections to the Board of Trustees for its approval. The local government employers selected by the Executive Administrator and the Board of Trustees in accordance with this section shall be in addition to local government employers participating in the Plan on July 1, 2006. In admitting local government employers into the Plan, the Executive Administrator shall ensure compliance with the requirements of the Employee Retirement Income Security Act of 1974 (ERISA), as amended, 29 U.S.C.S. §1003(b).";

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And on page 5, lines 33 through 39 by rewriting the lines to read:

"SECTION 6. Effective Date. – Sections 1 through 5 of this act become effective July 1, 2006. Section 1 of this act expires July 1, 2009. The remainder of this act is effective when it becomes law."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 27, 2006.

Conferees for the Senate

S/Tony Rand, Chair
S/William R. Purcell
S/Jeanne Hopkins Lucas

Conferees for the House of Representatives

S/Thomas E. Wright, Chair
S/R. Phillip Haire
S/Edd Nye
S/James W. Crawford, Jr.
S/Beverly M. Earle
S/Harold J. Brubaker
S/Carolyn K. Justus

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed before the Senate for immediate consideration.

Upon motion of Senator Rand, the Senate adopts the Conference Report (40-0).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (*continued*)

H.B. 1723 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS, placed earlier on today's Calendar.

Senator Rand offers Amendment No. 1 which is adopted (39-0).

The Senate Committee Substitute bill, as amended, passes its second (39-1) and third readings and is ordered sent to the House of Representatives unengrossed by special message.

The Chair grants leaves of absence for the remainder of today's session to Senator Garwood and Senator Jacumin.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

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House of Representatives
July 27, 2006

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to adopt the Conference Committee Substitute for **H.B. 1025**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOL BEVERAGE CONTROL LAWS.

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 27, 2006

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. 1522**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE PORTS AUTHORITY ENABLING LEGISLATION.

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 27, 2006

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. 2212**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOTTERY OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE DISTRIBUTION OF UNCLAIMED LOTTERY PRIZES.

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Pursuant to your message that you have adopted the report of the Conferees, we will order the bill enrolled.

Respectfully,
S/Denise 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 27, 2006

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. 1059**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO CLARIFY ENROLLMENT IN THE PPO OPTIONAL PROGRAM ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 3 OF CHAPTER 135 OF THE GENERAL STATUTES; AND TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PERMIT A CERTAIN NUMBER OF LOCAL GOVERNMENTS OPTIONAL COVERAGE UNDER THE PLAN.

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 MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 27, 2006

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has reconsidered the vote by which the House failed to adopt the

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Conference Committee Substitute for **H.B. 1025**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOL BEVERAGE CONTROL LAWS. The House has adopted the report of the Conferees and 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 MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 27, 2006

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. 749**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, AND TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE.

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

The Chair grants a leave of absence for the remainder of today's session to Senator Tillman.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

July 27, 2006

House of Representatives
July 27, 2006

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. 1827**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL CONTRACTOR'S LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO CLARIFY A GENERAL CONTRACTING EXCEPTION.

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. 1523 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, for concurrence in House Committee Substitute bill and House Amendment No. 8.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill, as amended, is placed on the Calendar for immediate consideration.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill and House Amendment No. 8 (36-0) and the bill is ordered enrolled and sent to the Governor by special message.

The Chair grants a leave of absence for the remainder of today's session to Senator Soles and Senator Dalton.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 1523, 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.

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S.B. 2010, AN ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE OF AN AIRCRAFT AND TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES.

H.B. 643, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT OF AIRSPACE ABOVE STATE ROAD 1250, SPRINGFIELD ROAD, NEAR ROCKY MOUNT FOR THE CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM.

H.B. 749, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, AND TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE.

H.B. 1025, AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOL BEVERAGE CONTROL LAWS.

H.B. 1059, AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO CLARIFY ENROLLMENT IN THE PPO OPTIONAL PROGRAM ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 3 OF CHAPTER 135 OF THE GENERAL STATUTES; AND TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PERMIT A CERTAIN NUMBER OF LOCAL GOVERNMENTS OPTIONAL COVERAGE UNDER THE PLAN.

H.B. 1522, AN ACT TO CONFORM THE TAX CREDIT FOR PRODUCTION COMPANIES TO THE STANDARD TAX TREATMENT WITH RESPECT TO THE DEDUCTION OF BUSINESS EXPENSES.

H.B. 1723, AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.

H.B. 1827, AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL CONTRACTOR'S LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO CLARIFY A GENERAL CONTRACTING EXCEPTION, AND TO

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REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES IN HIGHWAY CONSTRUCTION.

H.B. 2212, AN ACT TO ESTABLISH THE LOTTERY OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE DISTRIBUTION OF UNCLAIMED LOTTERY PRIZES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 264, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

S.B. 350, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE MUNICIPALITIES OF AHOSKIE, CRAMERTON, FARMVILLE, AND LAGRANGE; TO PROVIDE THAT HIGH POINT CITY ELECTIONS SHALL BE HELD IN THE EVEN-NUMBERED YEARS AND DECIDED ON A PLURALITY BASIS; TO AMEND THE CHARTER OF THE TOWN OF MCFARLAN TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS; TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS; TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE; TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER; PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261; AND TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 2881 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING THE TAKING OF PHOTOGRAPHS FOR MOTOR VEHICLE VIOLATIONS

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OF FAILING TO PRODUCE A LICENSE OR LEARNER'S PERMIT TO ANY LAW ENFORCEMENT OFFICER REQUESTING IT FOR LAWFUL PURPOSES PURSUANT TO G.S. 20-29, AND VIOLATIONS OF THE DRIVERS LICENSE AND LEARNER'S PERMIT PROVISIONS IN G.S. 20-30.

Referred to the **Judiciary I Committee**.

REMOVAL OF BILL CO-SPONSOR

Senator Stevens requests that he be removed as a sponsor of previously introduced legislation:

S.B. 1228, 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. 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 Rand, the Senate adjourns at 11:53 P.M. to meet tomorrow, Friday, July 28, at 12:05 A.M.

ONE HUNDRED SEVENTY-SIX DAY

Senate Chamber
Friday, July 28, 2006

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 want to thank you for this moment. You have blessed us again to see July 28 this Friday. We never thought we would be here this long. Help us to be out of this room July 29. But we want to thank you for our wonderful hard working staff and for the Senators who have been here this long working for the citizens of our State. We ask you to continue to love us and to keep all of us in your care. The benediction that we have learned says, 'May the Lord watch between us while we are absent one from the other.' And so this is our prayer. Amen."

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The Chair grants leaves of absence for tonight to Senator Allran, Senator Dalton, Senator Garwood, Senator Graham, Senator Hartsell, Senator Holloman, Senator Hoyle, Senator Jacumin, Senator Jenkins, Senator Pittenger, Senator Smith, Senator Soles, Senator Tillman and Senator Weinstein.

Senator Rand announces that the Journal of yesterday, Thursday, 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.

CONFERENCE REPORT

Senator Garrou, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 198** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2006, 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 198, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2006, House Committee Substitute Favorable 7/20/06 Corrected Copy 7/20/06 Sixth Edition Engrossed 7/24/06 Seventh Edition Engrossed 7/25/06, submit the following report:

The Senate concurs in the House Committee Substitute Favorable 7/20/06 Corrected Copy 7/20/06 Sixth Edition Engrossed 7/24/06 Seventh Edition Engrossed 7/25/06, with an amendment:

Delete the entire House Committee Substitute Favorable 7/20/06 Corrected Copy 7/20/06 Sixth Edition Engrossed 7/24/06 Seventh Edition Engrossed 7/25/06, and substitute the attached Proposed Conference Committee Substitute S198-PCCS35455-LT-18.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 28, 2006.

Conferees for the Senate

Conferees for the House of Representatives

S/Linda Garrou, Chair
S/Kay R. Hagan
Walter H. Dalton

S/James W. Crawford, Jr., Chair
S/Bill Owens
Beverly M. Earle

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S/Tony Rand	S/Edd Nye
S/Charlie Smith Dannelly	S/Henry M. Michaux, Jr.
	S/Debbie A. Clary
	S/Douglas Y. Yongue

The text of the attached Proposed Conference Committee Substitute, S198-PCCS35455-LT-18 is as follows:

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER
MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL
IMPROVEMENTS APPROPRIATIONS ACT OF 2006.

The General Assembly of North Carolina enacts:

SECTION 1. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 6.11.(a)** Section 5.1(c) of S.L. 2005-1 reads as rewritten:

SECTION 5.1.(c) The Department of Crime Control and Public Safety shall modify the Crisis Housing Assistance Fund (CHAF) to provide money to persons who do not qualify for CHAF assistance solely because they failed to apply for federal assistance through FEMA or the Small Business Administration's (SBA) Real Property Disaster loan program. The Department shall review these persons' applications for CHAF assistance using the same criteria employed by the SBA to determine eligibility for an SBA Real Property Disaster loan. ~~The Up to 110~~ applicants shall be eligible for CHAF assistance if it is determined that they would have failed to qualify for assistance under the SBA Real Property disaster loan criteria and that they otherwise meet the criteria for CHAF.'

SECTION 6.11.(b) This section applies to persons applying for Crisis Housing Assistance Fund (CHAF) assistance due to hurricane damage during the summer and fall of 2004.

SECTION 6.11.(c) This section expires on November 1, 2006."

SECTION 2. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 6.17.(a)** G.S. 143-16.3 reads as rewritten:

§ 143-16.3. No expenditures for purposes for which the General Assembly has considered but not enacted an appropriation.

Notwithstanding any other provision of law, no funds from any source, except for gifts, public or private grants, funds allocated from the Repair and Renovations Account in accordance with G.S. 143-15.3A, and funds allocated from the Contingency and Emergency Fund in accordance with G.S. 143-12(b), may be expended for any new or expanded purpose, position, or other expenditure for which the General Assembly has considered but not enacted an appropriation of funds for the current fiscal period; provided, however, that in the event the Director of the Budget declares that it is necessary to deviate from this provision, he may do so after prior consultation with the Joint Legislative Commission on Governmental Operations. For the purpose of this section, the

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General Assembly has considered a purpose, position, or other expenditure when that purpose is included in a bill, amendment, or petition and when any committee of the Senate or the House of Representatives deliberates on that purpose.'

SECTION 6.17.(b) This section is effective when this act becomes law."

SECTION 2A. Notwithstanding Page F-5, Item 37, of the Joint Conference Committee Report on the Continuation, Expansion and Capital Budgets dated June 30, 2006, funds appropriated to the Department of Public Instruction for Futures for Kids, Inc., a nonprofit corporation, may be used for operations during the 2006-2007 fiscal year while the corporation develops a plan for consolidation during the 2007-2008 fiscal year with the Pathways Program, which is administered by The University of North Carolina, General Administration. Futures for Kids, Inc., and the Pathways Program shall present a plan for consolidation of the two programs to the Joint Legislative Education Oversight Committee by March 1, 2007.

SECTION 3. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 6.18.** S.L. 2005-255 required the State of North Carolina to convey the property described by that section and to implement the Green Square Project in accordance with the provisions of that act. The Department of Administration shall report to the Joint Legislative Commission on Governmental Operations no later than September 1, 2006, on (i) why the property has not yet been transferred, (ii) why that act has not yet been implemented, and (iii) what the transfer and implementation timetable is."

SECTION 3A. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 6.19.(a)** If House Bill 914, 2005 Regular Session, becomes law, effective July 1, 2007, G.S. 143B-426.39A, G.S. 143B-426.39B, and G.S. 143B-426.39C as enacted by Section 9 of House Bill 914 are recodified as G.S. 143B-426.39D, G.S. 143B-426.39E, and G.S. 143B-426.39F. The Codifier is authorized to change the references to G.S. 143B-426.39A, G.S. 143B-426.39B, and G.S. 143B-426.39C in G.S. 143B-426.39, G.S. 53-245(b), G.S. 62A-22(d), G.S. 96-6, G.S. 147-9.3, and G.S. 174-9.4 as amended by sections 8, 17, 19, 23, 112, and 113 to the correct recodified statutory references.

SECTION 6.19.(b) If House Bill 914, 2005 Regular Session, becomes law, effective July 1, 2007, the same amendment to G.S. 143-3.3(g) made by Section 6.35 of S.L. 2005-276 is also made to G.S. 143B-426.39D(g), as enacted by Section 9 of House Bill 914 and recodified by Section 6.19(a) of this section.

SECTION 6.19.(c) If House Bill 914, 2005 Regular Session, becomes law, effective July 1, 2007, G.S. 143B-426.39(6) reads as rewritten:

- '(6) Prescribe, develop, operate, and maintain a uniform payroll system, in accordance with ~~G.S. 143-3.2 and G.S. 143-34.1~~, ~~G.S. 143B-426.39E~~ and G.S. 143C-6-6 for all State agencies. This uniform payroll system shall be designed to assure compliance with all legal and constitutional requirements. When the State Controller

finds it expedient to do so because of a State agency's size and location, the State Controller may authorize a State agency to operate its own payroll system. Any State agency authorized by the State Controller to operate its own payroll system shall comply with the requirements adopted by the State Controller.'

SECTION 6.19.(d) To reflect the provisions of G.S. 143-16.6 which was enacted in Section 34.1(d) of S.L. 2005-276, if House Bill 914, 2005 Regular Session, becomes law, then effective July 1, 2007, Article 9 of Chapter 143C, as enacted by Section 3 of House Bill 914, 2005 Regular Session, is amended by adding a new section to read:

§ 143C-9-3A. Assignment to the State of rights to tobacco manufacturer escrow funds.

A tobacco product manufacturer that elects to place funds into escrow pursuant to G.S. 66-291(a)(2) may make an assignment of its interest in the funds to the benefit of the State. The assignment applies to all funds, and any earnings and appreciation, that are in the escrow account at the time of the assignment or are subsequently deposited into the escrow account and are not released under the provisions of subdivision (1) or (2) of G.S. 66-291(b) at any time on or before the expiration of 10 years from the date of assignment. The assignment is irrevocable and shall include any reversionary interest in the escrow account and the funds therein that would otherwise belong to the tobacco manufacturer, including the right to receive the escrowed funds pursuant to G.S. 66-291(b)(3).

An assignment of rights executed pursuant to this section shall be in writing and shall be signed by a duly authorized representative of the tobacco product manufacturer making the assignment. An assignment is effective upon delivery to the Attorney General and the financial institution where the escrow account is maintained.'

SECTION 6.19.(e) If a final judgment by a court of competent jurisdiction declares that G.S. 143C-9-3A, as enacted by subsection (d) of this section, is invalid or unenforceable, then the statute is repealed, and any assignment made under it is void. If, as a result of a final judgment, it is determined that G.S. 143C-9-3A as enacted by subsection (b) of this section, would subject payments to this State by participating manufacturers under the Master Settlement Agreement, as defined in G.S. 66-290, to a Non-Participating Manufacturer Adjustment under Section IX of that Agreement, then G.S. 143C-9-3A is repealed, and any assignment made under it is void.

SECTION 6.19.(f) If House Bill 914, 2005 Regular Session, becomes law, then effective July 1, 2007, Article 9 of Chapter 143C as enacted by Section 3 of House Bill 914, 2005 Regular Session is amended by adding a new section to read:

§ 143C-3B. JDIG Reserve Fund.

(a) The State Controller shall establish a reserve in the General Fund to be known as the JDIG Reserve. Funds from the JDIG Reserve shall not be expended or transferred except in accordance with G.S. 143B-437.63.

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(b) It is the intent of the General Assembly to appropriate funds annually to the JDIG Reserve established in this section in amounts sufficient to meet the anticipated cash requirements for each fiscal year of the Job Development Investment Grant Program established pursuant to G.S. 143B-437.52.'

SECTION 6.19.(g) If House Bill 914, 2005 Regular Session, becomes law, then effective July 1, 2007, G.S. 143C-3-1 as enacted by Section 2 of House Bill 914, 2005 Regular Session reads as rewritten:

§ 143C-3-1. Budget estimate for the legislative branch.

The Legislative ~~Administrative Services~~ Officer shall give the Director an estimate of the financial needs of the legislative branch for the upcoming fiscal period in accordance with the schedule prescribed by the Director. The estimates for the legislative branch shall be approved and certified by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The estimates shall be itemized in accordance with the accounting classifications adopted by the Controller. The Director shall include the estimates in the budget the Director submits to the General Assembly. The Director may recommend changes to these estimates in the budget submitted to the General Assembly.'

SECTION 6.19.(h) If House Bill 914, 2005 Regular Session, becomes law, then effective July 1, 2007, G.S. 143C-1-1(b) as enacted by Section 2 of House Bill 914, 2005 Regular Session reads as rewritten:

(b) The provisions of this Chapter shall apply to every State agency and to every non-State entity that receives or expends any State funds. No State agency or non-State entity shall expend any State funds except in accordance with an act of appropriation and the requirements of this Chapter. The provisions of Chapter 120 of the General Statutes shall continue to apply to the General Assembly and to control its expenditures and in the event of a conflict with this Chapter, the provisions of Chapter 120 of the General Statutes shall control. Nothing in this Chapter abrogates or diminishes the inherent power of the legislative, executive, or judicial branch.'"

SECTION 3B. S.L. 2006-66 is amended by adding a new section to read:

"SECTION 6.20. There is created in the Office of State Budget and Management a Special Reserve for Lobbying Registration Reform. Of the funds appropriated to the Office of the Secretary of State in S.L. 2005-276 for Lobbyist Registration Enhancement and the funds appropriated in S.L. 2006-66 to the Office of the Secretary of State for Lobbyist Registration Reform, the sum of one hundred thirty-five thousand eight hundred two dollars (\$135,802) in recurring funds and twenty-four thousand dollars (\$24,000) in nonrecurring funds shall be transferred to the Reserve.

After consultation with the Joint Legislative Commission on Governmental Operations, the Director of the Budget may establish two positions and authorize the expenditure of these funds to implement the provisions of House Bill 1843 of the 2005 General Assembly, if enacted."

SECTION 5. S.L. 2006-66 is amended by adding a new section to read:

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"SECTION 8.11.(a) G.S. 115D-41 reads as rewritten:

'§ 115D-41. ~~Restrictions—Contracts~~**Restrictions on contracts with local school administrative units; use of community college facilities by public school students pursuant to cooperative programs.**

(a) Community college contracts with local school administrative units shall not be used by these agencies to supplant funding for a public school high school teacher providing courses offered pursuant to G.S. 115D-20(4) who is already employed by the local school administrative unit. However, if a community college contracts with a local school administrative unit for a public high school teacher to teach a college level course, the community college shall not generate budget FTE for that course. Its reimbursement in this case shall be limited to the direct instructional costs contained in the contract, plus fifteen percent (15%) for administrative costs. In no event shall a community college contract with a local school administrative unit to provide high school level courses.

(b) Community college facilities that comply with applicable State, county, and local fire codes for community college facilities may be used without modification for public school students in joint or cooperative programs such as middle or early college programs and dual enrollment programs.'

SECTION 8.11.(b) Part 5 of Article 1 of Chapter 116 of the General Statutes is amended by adding a new section to read:

'§ 116-44.5. **Use of college or university facilities by public school students pursuant to cooperative programs.**

The facilities of any constituent institution of The University of North Carolina and the facilities of any private college or university licensed in accordance with G.S. 116-15 that comply with applicable State, county, and local fire codes for those facilities may be used without modification for public school students in joint or cooperative programs such as middle or early college programs and dual enrollment programs.'"

SECTION 5A.(a) S.L. 2006-66 is amended by adding a new section to read:

"SECTION 8.12. The State Board of Community Colleges shall create a consortium of colleges to address the training needs of the motorsports industry members and to direct training programs to meet those needs. The consortium membership shall consist of Catawba Valley Community College, Central Piedmont Community College, Davidson Community College, Forsyth Technical Community College, Guilford Technical Community College, Halifax Community College, Rowan-Cabarrus Technical Community College, and Wilkes Community College. Forsyth Technical Community College shall be the lead community college in the consortium for management and operations purposes. The consortium of community colleges shall focus its training efforts to provide specialized motorsports workforce training and to help create new jobs at the Advanced Vehicle Research Center located in Northampton County.

If the motorsports industry finds that additional training at the university level would be beneficial to the industry, the State Board of Community Colleges may consult with the Board of Governors of The University of North

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Carolina and the motorsports industry to determine how best to meet that need."

SECTION 5A.(b) If House Bill 1723 of the 2005 Regular Session becomes law, then Section 28 of that act is repealed.

SECTION 5B. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 9.19.** G.S. 115C-499.1 reads as rewritten:

§ 115C-499.1. Definitions.

The following definitions apply to this Article:

- (1) Academic year. – A period of time in which a student is expected to complete the equivalent of at least two semesters' or three quarters' academic work.
- (2) Authority. – The State Education Assistance Authority created by Article 23 of Chapter 116 of the General Statutes.
- (3) Eligible postsecondary institution. – A school that is:
 - a. A constituent institution of The University of North Carolina as defined in G.S. 116-2(4);
 - b. A community college as defined in G.S. 115D-2(2); ~~or~~
 - c. ~~A nonpublic-nonprofit~~ postsecondary institution as defined in G.S. 116-22(1) or ~~446-43.5(a)(1)-G.S. 116-43.5(a)(1); or~~
 - d. A postsecondary institution owned or operated by a hospital authority as defined in G.S. 131E-16(14) or school of nursing affiliated with a nonprofit postsecondary institution as defined in G.S. 116-22(1).
- (4) Matriculated status. – Being recognized as a student in a defined program of study leading to a degree, diploma, or certificate at an eligible postsecondary institution.
- (5) Scholarship. – A scholarship for education awarded under this Article.
- (6) Title IV. – Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1070, et seq.' "

SECTION 6. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 9.19.** Notwithstanding Page F-11, Item 81, of the Joint Conference Committee Report on the Continuation, Expansion and Capital Budgets dated June 30, 2006, funds appropriated to the Board of Governors of The University of North Carolina for the 2006-2007 fiscal year to expand the "Future Teachers of North Carolina Scholarship Loan Program" shall be used only for an additional 50 scholarship loans each year rather than 75 scholarship loans."

SECTION 7. Section 10.3(d)(1) of S.L. 2006-66 reads as rewritten:

"**SECTION 10.3.(d)** Eligibility. – Eligibility for Medicaid shall be determined in accordance with the following:

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- (1) Medicaid and Work First Family Assistance, Income Eligibility Standards. – The maximum net family annual income eligibility standards for Medicaid and Work First Family Assistance and the Standard of Need for Work First Family Assistance shall be as follows:

Family Size	Standard Of Need	Categorically Needy-WFFA* Medically Needy Families and Children Income Level AA,AB,AD*	
1	\$4,344	\$2,172	\$2,900
2	5,664	2,832	3,900 <u>3,800</u>
3	6,528	3,264	4,400
4	7,128	3,564	4,800
5	7,776	3,888	5,200
6	8,376	4,188	5,600
7	8,952	4,476	6,000
8	9,256	4,680	6,300

*Work First Family Assistance (WFFA); Aid to the Aged (AA); Aid to the Blind (AB); and Aid to the Disabled (AD).

The payment level for Work First Family Assistance shall be fifty percent (50%) of the standard of need.

These standards may be changed with the approval of the Director of the Budget with the advice of the Advisory Budget Commission."

SECTION 8.(a) G.S. 108A-58.1(d)(1), as enacted by Section 10.5(b) of S.L. 2006-66, reads as rewritten:

"(d) Medical Services. –

- (1) In the case of an institutionalized individual, the transfer of assets penalty applies with respect to nursing facility services, a level of care in any institution equivalent to that of nursing facility services, and to home- or community-based services furnished under the State's Community Alternatives Program waiver pursuant to 42 U.S.C. § 1396n(c) or ~~(d)~~-(d), and pursuant to the hardship waiver under subsection (k) of this section."

SECTION 8.(b) G.S. 108A-58.1(h)(2), as enacted by Section 10.5(b) of S.L. 2006-66, reads as rewritten:

- "(2) A noninstitutionalized individual is any individual who (i) is not an institutionalized individual, (ii) is an aged, blind, or disabled person who is categorically or medically needy pursuant to 42 C.F.R. § 120 Subpart B, C, or D or a qualified Medicare beneficiary as defined in 42 U.S.C. § 1396d(p)(1), and ~~(3)~~ (iii) is not eligible for medical assistance under this Part based on his or her eligibility

for an optional State supplement pursuant to 42 C.F.R. § 435.232."

SECTION 8.(c) G.S. 108A-58.1(j), as enacted by Section 10.5(b) of S.L. 2006-66, reads as rewritten:

"(j) Application to Life Estates and Income Producing Real Property. – The Department of Health and Human Services may apply federal transfer of assets policies in accordance with this section to (i) life estates purchased by or on behalf of the recipient, and (ii) to real property excluded as "income producing", tenancy-in-common, or as nonhomesite property made "income producing." ~~The transfer of assets policy shall apply only to an institutionalized individual or the individual's spouse, as defined in subsection (h) of this section.~~ The Department shall exclude from countable resources any life estate in real property that is in the recipient's home and is measured by the recipient's life. Federal transfer of assets policies applied to income producing real property shall become effective not earlier than October 1, 2001. Federal transfer of assets policies applied to real property excluded as tenancy-in-common, or as nonhomesite property made income producing in accordance with this subsection, shall become effective not earlier than October 1, 2005."

SECTION 9.(a) G.S. 58-50-46, as enacted in Section 10.8 of S.L. 2006-66, is recodified as G.S. 108A-55.4.

SECTION 9.(b) G.S. 108A-55.4(b)(5), as recodified in subsection (a) of this section, reads as rewritten:

- "(5) Agree not to deny a claim submitted by the Division solely on the basis of the date of submission of the claim, the type of format of the claim form, or a failure to present ~~property proper~~ documentation at the point-of-sale that is the basis of the claim, if:
- a. The claim is submitted by the Division within the three-year period beginning on the date on which the item or service was furnished; and
 - b. Any action by the Division to enforce its rights with respect to such claim is commenced within six years of the Division's submission of the claim."

SECTION 9.(c) Section 10.8 of S.L. 2006-66 is amended in the first sentence by inserting before the word "Part 1" the words "Effective January 1, 2007,".

SECTION 10. Section 10.26(b) of S.L. 2006-66 reads as rewritten:

"**SECTION 10.26.(b)** Of the funds appropriated in this act for consultants to aid the Division and LMEs to the Department of Health and Human Services, the sum of two hundred twenty-five thousand dollars (\$225,000) for the 2006-2007 fiscal year shall be used by the Department to enter into one or more ~~personal services~~ contracts to provide technical assistance to Local Management Entities to develop and implement the crisis plans required under subsection (a) of this section. In addition to any other factors the Department determines are relevant when

selecting the consultant, the Department shall take into consideration whether an applicant has prior experience evaluating crisis services at a local, regional, and statewide level, prior experience assisting State and local public agencies develop and implement crisis services, and the ability to implement its responsibilities within the time frames established under this section. Funds not expended during the 2006-2007 fiscal year shall not revert to the General Fund but shall remain available for the purposes outlined in this subsection."

SECTION 11. Section 10.26(d) of S.L. 2006-66 is amended by deleting "24-hour beds" and substituting "23-hour beds."

SECTION 12. Section 10.32(b) of S.L. 2006-66 reads as rewritten:

"SECTION 10.32.(b) The Secretary shall review and revise the LME systems management cost model to provide adequate funds for LMEs to fully implement the functions outlined in G.S. 122C-115.4(b) as enacted in Section 4 of this act. The Secretary shall consult with the Joint Legislative Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services prior to implementing a revised cost model.

For the 2006-2007 fiscal year and until the revised cost model is implemented, the Department shall maintain the 2005-2006 level of funding to LMEs for all LME functions except the following:

- (1) Up to thirteen million three hundred thirty-three thousand four hundred ~~eighty-four~~eighty-one dollars (\$13,333,481) for utilization review; and
- (2) Up to twelve million one hundred fifty-six thousand forty-two dollars (\$12,156,042) for claims processing.

Any savings of State appropriations realized from the revised cost model shall be reallocated to State-funded services for mental health, developmental disabilities, and substance abuse services.

Funds withdrawn for LME administrative functions shall be reallocated to other LMEs to be used to provide mental health, developmental disabilities, and substance abuse services. The ten percent (10%) reduction authorized under G.S. 122C-155(a1), as enacted by this section, is in addition to funding limitations of this subsection."

SECTION 13A. Section 10.9D of S.L. 2006-66 reads as rewritten:

"SECTION 10.9D.(a) The General Assembly recognizes the critical need for pharmacy management services to Medicaid recipients enrolled in Medicare Part D. In light of the additional costs to pharmacists that provide pharmacy services to Medicaid recipients enrolled in Medicare Part D, and in light of the fact that federal law does not provide federal matching funds under the Medicaid program for these services, the Department of Health and Human Services shall study strategies for assisting pharmacists in providing these services to Medicaid recipients enrolled in Medicare Part D. In studying the strategies, the Department shall specifically address the special circumstances of pharmacists that provide pharmacy services to long-term care facilities. Among the strategies to be considered are those that address pharmacies adversely affected by the

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additional costs such that they may remain in business and thus continue to provide pharmacy services throughout the State. As part of this effort, the Department shall also assess the impact of the Deficit Reduction Act of 2005 on the payment for generic drugs under the Medicaid Program. The Department shall report its findings and recommended strategies to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal Research Division not later than ~~April~~ February 1, 2007.

SECTION 10.9D.(b) If a decrease in the average manufacturer's price ("AMP") of prescription drugs during the period January 1, 2007, through June 30, 2007, is estimated by the Department to result in average savings to the State Medicaid Program during that period, then the Department shall supplement the dispensing fee established by the General Assembly in this act by an amount calculated to be budget neutral and not to exceed average savings less administrative costs to the State to implement the supplemental fee. The supplemental fee shall be implemented no earlier than January 1, 2007, and no later than June 30, 2007. If an amendment to the State Medicaid Plan is required by the Centers for Medicare and Medicaid ("CMS") in order to implement this subsection, then implementation of this subsection is contingent upon receipt of approval of the State Plan amendment prior to June 30, 2007. If a State Plan amendment is required, the Department shall submit the amendment to CMS not later than 60 days from the date the Department receives information on the AMP. This subsection expires June 30, 2007."

SECTION 13B. Notwithstanding Page G-7, Item 58, of the Joint Conference Committee Report on the Continuation, Expansion and Capital Budgets dated June 30, 2006, funds appropriated to the Department of Health and Human Services for Long Term Care Quality Improvement shall be allocated to the Area Agencies on Aging to support eight regional long term care ombudsman positions including benefits and travel and one hundred thousand dollars (\$100,000) for a contract for the Quality Improvement Program authorized in Section 10.40A(p) of S.L. 2005-276. These positions are not State positions.

SECTION 14. Section 14.4(a) of S.L. 2006-66, which amends G.S. 7A-133(a), is amended for Districts 27A and 28 by substituting the following for what appears in that act:

"27A	67	Gaston"; and
28	67	Buncombe."

SECTION 15. S.L. 2006-66 is amended by adding a new section to read:

"SECTION 14.20.(a) G.S. 7A-806(b) reads as rewritten:

'(b) Election of Officers. – Officers of the Conference are a President, two Vice Presidents, a Secretary, a Treasurer, and other officers from among its membership that the Conference may designate in its bylaws. Officers are elected for one-year terms at the annual summer conference and take office ~~on~~ ~~July 1~~ immediately following their election.'

SECTION 14.20.(b) The Administrative Office of the Courts may establish up to 10 interpreter positions to replace contract positions with funds appropriated to the Judicial Department for the 2006-2007 fiscal year."

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SECTION 16. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 16.11.** Section 17.23(h) of S.L. 2005-276 reads as rewritten:

SECTION 17.23.(h) For the 2005-2006 fiscal year, notwithstanding the formula in G.S. 143B-273.15, each county's formula allocation shall be capped at no less than ninety-nine percent (99%) and no greater than one hundred twenty percent (120%) of the funds allocated to that county for the 2004-2005 fiscal year. Funding caps shall be accomplished by the redistribution of three hundred forty-four thousand four hundred ninety-one dollars (\$344,491) that was spent on case management services in day reporting centers prior to 2002. No funds shall be used to fund programs that did not participate in the Criminal Justice Partnership Program in fiscal year 2004-2005.

For the 2006-2007 fiscal year, notwithstanding the formula in G.S. 143B-273.15, each county's formula allocation shall be capped at no less than ninety-five percent (95%) and no greater than one hundred twenty percent (120%) of the funds allocated to that county for the 2004-2005 fiscal year. ~~After determining the capped formula allocations, funds that were used in the 2005-2006 fiscal year for pretrial release programs shall be reallocated among all participating counties using the formula in G.S. 143B-273.15 and dedicated to sentenced offender programs.~~"

SECTION 17. S.L. 2006-66 is amended by adding a new Part to read:

"PART XVI-B. DEPARTMENT OF JUSTICE

SECTION 16B.1. Notwithstanding G.S. 143-34.1(a1), the Department of Justice may use up to one hundred six thousand five hundred seventy dollars (\$106,570) in receipts in the 2006-2007 fiscal year to establish one Attorney III position in the Department to provide legal services for the Department of Cultural Resources."

SECTION 18. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 17.2A.(a)** The State Energy Office shall study the State's ability to respond adequately to an energy emergency or crisis and shall update the North Carolina Energy Emergency Plan consistent with the findings of its study and with the findings of the Joint Study Committee on Emergency Preparedness and Disaster Management Recovery as set out in Section 1 of House Bill 2194 and Senate Bill 1489 of the 2005 Regular Session. As part of this study, the State Energy Office shall:

- (1) Review and recommend the revision of existing energy emergency plans of appropriate State agencies and units of local government or recommend to a particular unit of government that it should develop an energy emergency plan, if it currently has none.
- (2) Clarify the roles and responsibilities among State agencies, federal agencies, and units of local government in the event of an emergency petroleum shortage.
- (3) Review, in consultation with the Office of State Purchase and Contract, the current contracts for fuel for State

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purchases and purchases by units of local government and determine whether they adequately minimize the risk that the State and units of local government would experience supply curtailments for their highest fuel needs during an emergency fuel shortage.

SECTION 17.2A.(b) The State Energy Office shall report its findings, recommendations, and its draft updated North Carolina Energy Emergency Plan to the Joint Study Committee on Emergency Preparedness and Disaster Management Recovery no later than November 1, 2006. All recommendations to the Committee shall include a cost estimate of the recommended undertaking.

SECTION 17.2A.(c) Of the funds appropriated to the Department of Administration in this act, the sum of forty thousand dollars (\$40,000) for the 2006-2007 fiscal year shall be used to implement this section."

SECTION 19. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 17.6.** Notwithstanding Page L-3, Item 18, of the Joint Conference Committee Report on the Continuation, Expansion and Capital Budgets dated June 30, 2006, funds appropriated to a statewide reserve for pending ethics legislation shall be used to establish up to five positions in the Department of Administration for the North Carolina Board of Ethics and shall be used to implement House Bill 1843, House Bill 1844, or Senate Bill 1694, if either of those bills becomes law."

SECTION 19A. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 17.7.** Notwithstanding page J-5, Item 20, of the Joint Conference Committee Report on the Continuation, Expansion and Capital Budgets dated June 30, 2006, funds appropriated to the Department of Administration, Commission on Indian Affairs Economic Development Initiative in the amount of one hundred seventeen thousand four hundred eleven dollars (\$117,411) are nonrecurring. These funds shall be transferred to the North Carolina Indian Economic Development Initiative, Inc., a nonprofit organization, to create jobs and economic growth in Indian communities."

SECTION 20. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 18.2.(a)** Section 68 of Chapter 830 of the 1987 Session Laws, as reenacted and amended by Section 13 of Chapter 1111 of the 1987 Session Laws, is repealed.

SECTION 18.2.(b) Section 1 of Chapter 1111 of the 1987 Session Laws, as amended by Section 1 of Chapter 35 of the 1989 Session Laws, is repealed.

SECTION 18.2.(c) The number of administrative law judges and employees in the Office of Administrative Hearings are established as follows:

<u>Position</u>	<u>Number</u>
Administrative Law Judge	10
Rules Review Commission	4
Other Employees	31.

SECTION 18.2.(d) Article 60 of Chapter 7A of the General Statutes is amended by adding a new section to read:

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§ 7A-760. Number and status of employees; staff assignments; role of State Personnel Commission.

(a) The number of administrative law judges and employees of the Office of Administrative Hearings shall be established by the General Assembly. The Chief Administrative Law Judge is exempt from provisions of the State Personnel Act as provided by G.S. 126-5(c1)(26). All other employees of the Office of Administrative Hearings are subject to the State Personnel Act.

(b) The Chief Administrative Law Judge shall designate, from among the employees of the Office of Administrative Hearings, the Director and staff of the Rules Review Commission.'

SECTION 18.2.(e) G.S. 126-5(c1) is amended by adding a new subdivision to read:

'(27) The Chief Administrative Law Judge of the Office of Administrative Hearings.'

SECTION 18.2.(f) G.S. 143B-30.1 reads as rewritten:

§ 143B-30.1. Rules Review Commission created.

(a) The Rules Review Commission is created. The Commission shall consist of 10 members to be appointed by the General Assembly, five upon the recommendation of the President Pro Tempore of the Senate, and five upon the recommendation of the Speaker of the House of Representatives. These appointments shall be made in accordance with G.S. 120-121, and vacancies in these appointments shall be filled in accordance with G.S. 120-122. Except as provided in subsection (b) of this section, all appointees shall serve two-year terms.

(b) In 1990, two of the appointments made by the General Assembly upon the recommendation of the President of the Senate shall expire June 30, 1991, and two shall expire June 30, 1992. In 1990, two of the appointments made by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall expire June 30, 1992, and two shall expire June 30, 1993. Subsequent terms shall be for two years.

(c) Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, ineligibility, death, or disability of any member shall be for the balance of the unexpired term. The chairman shall be elected by the Commission, and he shall designate the times and places at which the Commission shall meet. The Commission shall meet at least once a month. A quorum of the Commission shall consist of six members of the Commission. ~~The Chief Administrative Law Judge, Office of Administrative Hearings, shall be responsible for the hiring and supervision of the Director and staff to the Commission.~~

(d) Members of the Commission who are not officers or employees of the State shall receive compensation of two hundred dollars (\$200.00) for each day or part of a day of service plus reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5. Members of the Commission who are officers or employees of the State shall receive reimbursement for travel and subsistence at the rate set out in G.S. 138-6.

(e) The Chief Administrative Law Judge, Office of Administrative Hearings, shall assign the staff and designate the Director of the Commission in

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~~accordance with G.S. 7A-760. Any other provision of the General Statutes notwithstanding, the appointment of employees of the Commission shall be made by the Chief Administrative Law Judge, Office of Administrative Hearings. Nothing in this Article shall be construed to exempt employees of the Commission from the State Personnel Act.~~

(f) The Commission shall prescribe procedures and forms to be used in submitting rules to the Commission for review. The Commission may have computer access to the North Carolina Administrative Code to enable the Commission and its staff to view and copy rules in the Code."

SECTION 21.(a) If Senate Bill 774 of the 2005 Regular Session becomes law, Section 21.11 of S.L. 2006-66 is repealed.

SECTION 21.(b) Subsection (a) of this section repeals the amendment made by Section 21.11 of S.L. 2006-66, leaving in effect the identical enactment in Senate Bill 774 of the 2005 Regular Session, as ratified.

SECTION 21A.(a) Section 22.15A(b) of S.L. 2006-66 reads as rewritten:

"**SECTION 22.15A.(b)** Career-banded classifications approved by the State Personnel Commission on or before June 15, 2006, and for which the agency had begun implementation by that date, may continue to be implemented without suspension as otherwise provided for in this section if:

- (1) It is fully and completely implemented no later than February 1, 2007; and
- (2) It is implemented entirely using technical resources provided by the Office of State Personnel and the affected agency or constituent institution."

SECTION 21A.(b) There is created the Legislative Study Commission on the State Personnel Act ("Commission"). The Commission shall consist of 18 members appointed as follows:

- (1) Six members appointed by the Governor, to include:
 - a. One person who is a current State employee subject to the State Personnel Act and not currently working in human resources management.
 - b. One person who is a current State employee and currently working in human resources management.
 - c. One person having experience and expertise in human resources management in a large private sector organization with greater than 500 employees.
 - d. One person having experience and expertise in human resources management in a large public sector organization with greater than 500 employees.
 - e. Two persons representing the general public.
- (2) Six members appointed by the Speaker of the House of Representatives, to include:

- a. Four members of the House of Representatives.
- b. Two persons representing the general public.
- (3) Six members appointed by the President Pro Tempore of the Senate, to include:
 - a. Four members of the Senate.
 - b. Two persons representing the general public.

SECTION 21A.(c) The Commission shall:

- (1) Review Chapter 126 of the General Statutes, the State Personnel Act, to determine whether the Act should be revised or repealed, in whole or in part.
- (2) Consider the efficacy of changes in policy related to the following: classification system, compensation philosophy, salary structure, merit-based pay, pay equity, pay delivery, and performance evaluation.
- (3) Evaluate career banding as an alternative to the traditional classification system, considering career progression salary adjustments as compared to current compensation increase philosophy, government/private industry best practices, and the real and perceived impact to State employees of moving to a career banding classification system.
- (4) Review any other matter that the Commission finds relevant to its charge.

SECTION 21A.(d) The Commission may provide interim reports and shall provide its final report identifying its findings, recommendations, and legislative proposals by May 1, 2008. The Commission shall terminate upon filing its final report.

SECTION 21A.(e) The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint a cochair for the Commission. The Commission may contract for consultant services as provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of the House of Representatives and the Senate Directors of Legislative Assistants. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. With the permission of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the Commission may meet during the regular legislative session. Members of the Commission shall receive per diem, subsistence, and travel allowances at the rate established in G.S. 120-3.1. The appointing authority shall fill vacancies. The Commission, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the power to subpoena witnesses.

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SECTION 23. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 22.22.(a)** G.S. 140-14 reads as rewritten:

§ 140-14. North Carolina State Art Society as membership arm of within the North Carolina Museum of Art; promotion of public appreciation of art; ~~organization of art exhibits, etc.~~

The North Carolina State Art Society, Incorporated, ~~shall be the membership arm of the North Carolina Museum of Art, the means whereby citizens of North Carolina can support their museum through individual or corporate memberships in the Society and through participation in its diverse programs.~~ is administratively located within the North Carolina Museum of Art. It shall be the duty of the North Carolina State Art Society to promote the public appreciation of art and its role in the development of civilization; to organize State and regional art exhibits, ~~including works by contemporary North Carolina artists;~~ arts advocacy initiatives; and to do all other things deemed necessary to advance the objectives of the Society.' "

SECTION 22.22.(b) G.S. 140-5.13(b)(2) reads as rewritten:

(b) The Board of Trustees of the North Carolina Museum of Art shall consist of 29 members, chosen as follows:

- ...
- (2) The North Carolina State Art Society, Incorporated, shall elect four members;
-'

SECTION 22.22.(c) G.S. 140-12 reads as rewritten:

§ 140-12. Department of Administration authorized to provide space for Art Society.

Subject to the approval of the Governor, the Department of Administration is authorized and empowered to set apart, for the administration of the affairs of the North Carolina State Art Society, Incorporated, space in any of the public buildings in Wake County which may be so used without interference with the conduct of the business of the State. Prior to taking any action under this section, the Governor may consult with the Advisory Budget Commission.'

SECTION 22.22.(d) G.S. 140-13 reads as rewritten:

§ 140-13. Audit.

The operations of the North Carolina State Art Society, Inc., shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.'

SECTION 22.22.(e) G.S. 143B-53 reads as rewritten:

§ 143B-53. Organization of the Department.

The Department of Cultural Resources shall be organized initially to include the Art Commission, the Art Museum Building Commission, the North Carolina Historical Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission, the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the American Revolution Bicentennial Committee, the North Carolina Awards Committee, the America's Four Hundredth Anniversary Committee, the North Carolina Arts Council, the Public

Librarian Certification Commission, the State Library Commission, the North Carolina Symphony Society, Inc., the North Carolina State Art Society, and the Division of the State Library, the Division of Archives and History, the Division of the Arts, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973.'

SECTION 22.22.(f) Part 15 of Article 2 of Chapter 143B of the General Statutes reads as rewritten:

Part 15. North Carolina State Art Society, Incorporated.

§ 143B-89. North Carolina State Art Society, Incorporated.

The North Carolina State Art Society, Incorporated, shall continue to be under the patronage of the State as provided in Article 3 of Chapter 140 of the General Statutes of North Carolina. The governing body of the North Carolina Art Society, Incorporated, shall be a board of directors consisting of a minimum of 22 members as follows: the Governor, the Superintendent of Public Instruction, the State Treasurer, Secretary of Cultural Resources, and the Director of the North Carolina Museum of Art, who shall be ex officio members; six members who shall be named by the Governor; and a minimum of 12 directors who shall be chosen by members of the North Carolina Art Society, Incorporated, in such manner and for such terms as that body shall determine. The six directors named by the Governor shall serve for terms of three years each.'

SECTION 22.22.(g) G.S. 140-5.15(c) reads as rewritten:

'(c) The State-funded portion of the salary of the Director shall be fixed by the General Assembly in the Current Operations Appropriations Act.' "

SECTION 24. S.L. 2006-66 is amended by adding a new section to read:

"**SECTION 22.23.** G.S. 84-20 reads as rewritten:

§ 84-20. Compensation of councilors.

The members of the Council and members of committees when actually engaged in the performance of their duties, including committees sitting upon disbarment proceedings, shall receive as compensation for the time spent in attending meetings an amount to be determined by the Council, subject to approval of the North Carolina Supreme Court, and shall receive actual expenses of travel and subsistence while engaged in their duties provided that for transportation by use of private automobile the expense of travel shall not exceed ~~the rate per mile allowed by G.S. 138-6.~~ the business standard mileage rate set by the Internal Revenue Service per mile of travel. The Council shall determine per diem and mileage to be paid. The allowance fixed by the Council shall be paid by the secretary-treasurer of the North Carolina State Bar upon presentation of appropriate documentation by each member."

SECTION 27.(a) G.S. 105-134.6(d)(4), as enacted by Section 24.12(a) of S.L. 2006-66, reads as rewritten:

"(d) Other Adjustments. – The following adjustments to taxable income shall be made in calculating North Carolina taxable income:

- ...
 (4) A taxpayer whose adjusted gross income (AGI), as calculated under the Code, is less than the amount listed

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in this subdivision may deduct from taxable income the amount, not to exceed ~~seven hundred fifty dollars (\$750.00)~~, two thousand dollars (\$2,000), contributed to an account in the Parental Savings Trust Fund of the State Education Assistance Authority established pursuant to G.S. 116-209.25. In the case of a married couple filing a joint return, the maximum dollar amount of the deduction is ~~one thousand five hundred dollars (\$1,500)~~. four thousand dollars (\$4,000).

Filing Status	AGI
Married, filing jointly	\$100,000
Head of Household	80,000
Single	60,000
Married, filing separately	50,000".

SECTION 27.(b) This section is effective for taxable years beginning on or after January 1, 2007.

SECTION 28. Except as otherwise provided in this act, this act becomes effective July 1, 2006.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed before the Senate for immediate consideration.

Upon motion of Senator Garrou, the Senate adopts the Conference Report (30-0).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 28, 2006

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. 198**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2006.

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

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Pursuant to the Senate having adopted the Conference Report for S.B. 198 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:

S.J.R. 2066, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2005 REGULAR SESSION OF THE GENERAL ASSEMBLY, for concurrence in House Amendment No. 1.

Upon motion of Senator Rand, the rules are suspended and the Joint Resolution and House Amendment No. 1 are placed on the Calendar for immediate consideration.

Upon motion of Senator Rand, the Senate concurs in House Amendment No. 1 (27-2) and the bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 198, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2006.

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. 2066, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2005 REGULAR SESSION OF THE GENERAL ASSEMBLY. (Res. 24)

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. 2744, AN ACT TO MAKE MODIFICATIONS TO THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT FOR CERTAIN TAXPAYERS, AND TO ENHANCE CERTAIN SALES AND USE TAX BENEFITS. (Became law upon approval of the Governor, July 27, 2006 - S.L. 2006-168.)

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S.B. 1833, AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR MEMORIAL SERVICE OR ANY OTHER FUNERAL OR MEMORIAL SERVICE. (Became law upon approval of the Governor, July 27, 2006 - S.L. 2006-169.)

S.B. 264, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. (Became law upon ratification, July 27, 2006 - S.L. 2006-170.)

S.B. 350, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE MUNICIPALITIES OF AHOSKIE, CRAMERTON, FARMVILLE, AND LAGRANGE; TO PROVIDE THAT HIGH POINT CITY ELECTIONS SHALL BE HELD IN THE EVEN-NUMBERED YEARS AND DECIDED ON A PLURALITY BASIS; TO AMEND THE CHARTER OF THE TOWN OF MCFARLAN TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS; TO CONFIRM THE APPLICABILITY OF A 1961 LOCAL ACT TO ELECTIONS FOR THE BERTIE COUNTY BOARD OF EDUCATION AS HAS BEEN THE PROCEDURE FOLLOWED BY THE BOARD AND ELECTION OFFICIALS; TO REPEAL A LIMIT ON THE NUMBER OF TERMS A MEMBER OF THE SCOTLAND COUNTY BOARD OF EDUCATION MAY SERVE; TO ALLOW THE SANFORD-LEE COUNTY AIRPORT AUTHORITY TO ADD AN ADDITIONAL MEMBER THAT IS AN EX OFFICIO VOTING MEMBER; PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261; AND TO EXEMPT THE TOWN OF BLOWING ROCK FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS. (Became law upon ratification, July 27, 2006 - S.L. 2006-171.)

Senator Basnight offers a motion pursuant to **S.J.R. 2066**, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2005 REGULAR SESSION OF THE GENERAL ASSEMBLY (Res. 24), that the Senate adjourn *sine die*, seconded by all members of the Senate, which motion prevails, with unanimous consent.

The President orders a message sent to the House of Representatives informing the Honorable Body that the Senate stands ready to adjourn *sine die*.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

July 28, 2006

House of Representatives
July 28, 2006

Madame President:

It is ordered that a message be sent to the Senate respectively advising your Honorable Body that the House of Representatives has concluded the public business before it and stands ready to adjourn sine die pursuant to **S.J.R. 2066**, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2005 REGULAR SESSION OF THE GENERAL ASSEMBLY.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to the receipt of a message that the House of Representatives has concluded the business before it and having notified that Honorable Body that the Senate has completed the business before it, the President declares that the Senate stands ready to adjourn *sine die*.

The President orders the doors of the Senate opened and the Speaker of the House of Representatives is perceived ready to let the gavel fall.

The motion heretofore offered by Senator Basnight seconded by all members of the Senate having prevailed, the President of the Senate declares the Senate of the 2005 General Assembly adjourned at 1:10 A.M., *sine die*.

BEVERLY E. PERDUE
President of the Senate

JANET B. PRUITT
Principal Clerk

July 28, 2006

ADDENDUM

SENATE JOURNAL

2005 SESSION

SECOND SESSION

2006



ERRATA

Page 9

The following appointments to the 2005-2006 Senate Standing Committees are inadvertently omitted from the Journal text beginning on Page 9 and should appear immediately following the appointments to the Appropriations Subcommittee on Justice and Public Safety.

Senator Dan Clodfelter is appointed Vice-Chairman of the **Appropriations Subcommittee on Justice & Public Safety**.

Senator Julia Boseman is appointed a Vice-Chairman of the **Judiciary I Committee**.

Senator Doug Berger is appointed a Vice-Chairman of the **Judiciary II Committee**.

Senator Julia Boseman is appointed a Vice-Chairman of the **Opportunities and Needs for Economic Growth in NC (ONE NC) Committee**.

Senator Richard Stevens is appointed a Vice-Chairman of the **Education/Higher Education Committee**.

Senator Stan Bingham is named the Ranking Minority Member of the **Agriculture/Environment/Natural Resources Committee**.

Senator Jerry Tillman is named the Ranking Minority Member of the **Appropriations Subcommittee on Natural and Economic Resources**.

Senator Tom Apodaca is named the Ranking Minority Member of the **Rules and Operations of the Senate Committee**.

Senator East is named Ranking Minority Member of the **Transportation Committee**.

Senator C. W. "Pete" Bland is appointed to the following committees:

Appropriations/Base Budget Committee
Appropriations Subcommittee on Justice and Public Safety
Select Committee on Homeland Security, Emergency Management & Military Affairs
Judiciary II Committee
Opportunities and Needs for Economic Growth in NC (ONE NC) Committee
Agriculture/Environment/Natural Resources Committee
Education/Higher Education Committee
Finance Committee

Mental Health & Youth Services Committee
Pensions & Retirement and Aging Committee
Rules and Operations of the Senate Committee
Transportation Committee

Senator William B. Miller, Sr. is appointed to the following committees:

Education/Higher Education Committee
Agriculture/Environment/Natural Resources Committee
Appropriations/Base Budget Committee
Appropriations Subcommittee on Natural and Economic Resources Committee
Rules and Operations of the Senate Committee
Transportation Committee
Judiciary I Committee
State & Local Government Committee

Senator Kay Hagan is appointed to the **Commerce Committee**.

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

VETO MESSAGE FROM THE GOVERNOR

The following veto message received from Governor Michael F. Easley, on August 21, is disposed of as follows:

S.B. 542 AN ACT TO ALLOW REASONABLE ACCESS TO STATE FACILITIES AND EMPLOYEES FOR CERTAIN EMPLOYEE ASSOCIATIONS.



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301
August 19 2006

MICHAEL F. EASLEY
GOVERNOR

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

Senate Bill 542 "An Act To Allow Reasonable Access To State Facilities And Employees For Certain Employee Associations" would mandate access to state facilities and state employees for employee associations with more than 40,000 members for the purposes of membership recruitment, member consultation, and certain products such as insurance products sold by the associations.

The floor of 40,000 members is substantially higher than other statutory requirements for minimum memberships of employee associations. This and other qualifications in the legislation would therefore have the practical effect of giving exclusive access to state facilities to only one employee association of the many who currently represent the interests of public employees. Such a prohibition is patently unfair and jeopardizes employee rights to free association.

By enumerating the right of certain associations to have access to state facilities and employees to sell products offered on the commercial market, the legislation would also give an unfair competitive advantage to insurers affiliated with these particular employee associations. This provision, at the very least, gives an appearance of endorsement of these products by the state of North Carolina, which is inaccurate and therefore not acceptable.

I have signed an executive order directing all state entities under my control and encouraging all other governmental entities to provide the reasonable access that this legislation attempts to afford employee associations if they meet current statutory requirements for payroll withholding.

Since Executive Order 105 satisfies the core legislative intent of providing access among employees and their employee associations, while ensuring fairness, this legislation is not necessary.

Therefore, I veto the bill.



Michael F. Easley

Received
8-21-06
4:58 P.M.
Janel Pruitt

The bill, having been vetoed, is returned to the Clerk of the North Carolina Senate on this 21 day of August 2006 at 4:58 p.m. for reconsideration by that body.

LOCATION: 116 WEST JONES STREET • RALEIGH, NC • TELEPHONE: (919) 733-5811

The following members of the Senate signed the following letter to Governor Easley stating that a reconvened session is not necessary to consider the vetoed bill: Senator Charles W. Albertson, Senator Austin Allran, Senator Thomas M. Apodaca, Senator Bob Atwater, Senator Douglas E. Berger, Senator Philip E. Berger, Senator Stan Bingham, Senator Harris Blake, Senator C.W. Pete Bland, Senator Julia Boseman, Senator Harry Brown, Senator Peter S. Brunstetter, Senator Daniel G. Clodfelter, Senator Janet Cowell, Senator Walter H. Dalton, Senator Charlie S. Dannelly, Senator Don W. East, Senator James S. Forrester, Senator Linda Garrou, Senator John A. Garwood, Senator W. Edward Goodall, Jr., Senator Kay Hagan, Senator Neal Hunt, Senator Jim Jacumin, Senator S. Clark Jenkins, Senator Ellie Kinnaird, Senator Jeanne H. Lucas, Senator Vernon Malone, Senator Martin Nesbitt, Senator Robert M. Pittenger, Senator Keith Presnell, Senator William R. Purcell, Senator Tony Rand, Senator Fred Smith, Senator John J. Snow, Jr., Senator R.C. Soles, Jr., Senator Richard Y.



NORTH CAROLINA GENERAL ASSEMBLY
SENATE CHAMBER
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

The Honorable Michael F. Easley
Office of the Governor
20301 Mail Service Center Raleigh, NC 27699-0301

To the Governor:

A reconvened session to reconsider vetoed legislation is unnecessary.

This _____ day of August, 2006,

_____, Member of the Senate
(*Signature*)

(*Printed Name*)

NORTH CAROLINA SENATE • RALEIGH, NORTH CAROLINA 27611

Three-fifths of the members of the House of Representatives signed the letter.

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 2006 Session adjourned on July 28:

H.B. 853, AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE FOR PERIODS OF SERVICE UNDER THE OPTIONAL RETIREMENT PROGRAM FOR STATE INSTITUTIONS OF HIGHER EDUCATION AND TO INCLUDE THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS WITHIN THE OPTIONAL RETIREMENT PROGRAM FOR THE UNIVERSITY OF NORTH CAROLINA. (Became law upon approval of the Governor, August 1, 2006 - S.L. 2006-172.)

H.B. 1248, AN ACT AMENDING THE IDENTITY THEFT PROTECTION ACT OF 2005. (Became law upon approval of the Governor, August 1, 2006 - S.L. 2006-173.)

S.B. 837, AN ACT TO REQUIRE THAT RETIRED EMPLOYEES HAVE AT LEAST TWENTY YEARS OF RETIREMENT BENEFIT SERVICE CREDIT IN ORDER TO QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN ON A NONCONTRIBUTORY BASIS. (Became law upon approval of the Governor, August 1, 2006 - S.L. 2006-174.)

H.B. 1327, 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. (Became law upon approval of the Governor, August 1, 2006 - S.L. 2006-175.)

S.B. 571, 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 AND ON THE STATE BOARD'S IMPLEMENTATION OF ITS POLICY REGARDING SCHOOL COUNSELORS. (Became law upon approval of the Governor, August 1, 2006 - S.L. 2006-176.)

S.B. 1289, AN ACT TO REDUCE FATALITIES AMONG NEW TEEN DRIVERS BY MAKING THE USE OF A MOBILE PHONE UNLAWFUL FOR A PERSON LESS THAN EIGHTEEN YEARS OF AGE AND WHO HOLDS A PROVISIONAL LICENSE WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA, AS RECOMMENDED BY THE NC CHILD FATALITY TASK FORCE. (Became law upon approval of the Governor, August 1, 2006 - S.L. 2006-177.)

H.B. 2208, AN ACT TO REPEAL THE REQUIREMENT THAT CERTAIN STATUTORY CRITERIA RELATED TO GRANTS FROM THE CLEAN WATER MANAGEMENT TRUST FUND FOR WASTEWATER AND STORMWATER COLLECTION AND TREATMENT PROJECTS HAVE PRIORITY OVER CRITERIA ESTABLISHED BY THE BOARD OF TRUSTEES OF THE CLEAN WATER MANAGEMENT TRUST FUND, TO CLARIFY THE AUTHORITY OF THE BOARD OF TRUSTEES WITH RESPECT TO MATCH REQUIREMENTS IN CONNECTION WITH GRANT AWARDS, AND TO ESTABLISH TERM LIMITS FOR THE BOARD OF TRUSTEES. (Became law upon approval of the Governor, August 1, 2006 - S.L. 2006-178.)

S.B. 488, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR SIMPLE ASSAULT OR BATTERY ON A HANDICAPPED PERSON. (Became law upon approval of the Governor, August 1, 2006 - S.L. 2006-179.)

S.B. 1187, AN ACT TO SPECIFY THE TRYON PALACE HISTORIC SITES AND GARDENS FUND AS A SPECIAL, INTEREST-BEARING TRUST FUND. (Became law upon approval of the Governor, August 1, 2006 - S.L. 2006-180.)

H.B. 1120, 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. (Became law upon approval of the Governor, August 1, 2006 - S.L. 2006-181.)

H.B. 1847, AN ACT TO STRENGTHEN REGULATION OF ELECTIONEERING COMMUNICATIONS IN NORTH CAROLINA. (Became law upon approval of the Governor, August 1, 2006 - S.L. 2006-182.)

H.B. 2060, AN ACT TO MAKE CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO MAKE OTHER CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION. (Became law upon approval of the Governor, August 1, 2006 - S.L. 2006-183.)

H.B. 1323, AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-184.)

S.B. 948, AN ACT TO MAKE VARIOUS AMENDMENTS TO THE BOATING SAFETY AND VESSEL TITLING LAW. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-185.)

S.B. 686, AN ACT TO AMEND RESTRICTIONS ON THE PURCHASE AND SALE OF PSEUDOEPHEDRINE PRODUCTS CONTAINED IN ARTICLE 5D OF CHAPTER 90 OF THE GENERAL STATUTES, THE "METHAMPHETAMINE LAB PREVENTION ACT OF 2005," IN ORDER TO COMPLY WITH FEDERAL LAW, AND TO MAKE OTHER CONFORMING CHANGES. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-186.)

H.B. 1848, AN ACT TO AUTHORIZE THE COLLECTION OF OFFENDER FINES AND FEES ASSESSED BY THE GENERAL COURT OF JUSTICE BY CREDIT CARD, CHARGE CARD, OR DEBIT CARD; TO AUTHORIZE THE USE OF ELECTRONIC FILING IN THE TRIAL COURTS; TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE THE JUDICIAL DEPARTMENT WITH CRIMINAL BACKGROUND CHECKS FROM THE STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORIES; TO ESTABLISH A PERMANENCY MEDIATION PROGRAM; TO AMEND THE LAW PROVIDING FOR FOREIGN LANGUAGE INTERPRETERS IN THE COURTS; TO AUTHORIZE THE ESTABLISHMENT OF CERTAIN POSITIONS WITHIN THE JUDICIAL DEPARTMENT; TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE SIX ADDITIONAL MEMBERS OF THE COMMISSION; AND TO MAKE TECHNICAL CORRECTIONS AND ADJUSTMENTS TO PROVISIONS AFFECTING THE COURTS. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-187.)

S.B. 846, AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN REGISTER THEIR LICENSES. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-188.)

S.B. 1442, AN ACT TO REPEAL THE LOCAL MODIFICATIONS OF G.S. 153A-335 PERTAINING TO THE REGULATION OF SUBDIVISIONS IN RUTHERFORD COUNTY AND THEREBY SUBJECTING THE COUNTY TO FULL APPLICATION OF THE GENERAL LAW, AND TO PROVIDE FOR A STUDY ON THE USE OF CLEAR PROCEEDS IN A MANNER THAT WILL ALLOW FOR THE CONTINUATION OF THE USE OF TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS BY LOCAL GOVERNMENTS. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-189.)

S.B. 402, 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. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-190.)

S.B. 729, AN ACT TO EXEMPT NEW MOTOR VEHICLE DEALERS FROM THE USED MOTOR VEHICLE DEALERS' COURSE REQUIREMENTS. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-191.)

H.B. 1024, 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; TO SET THE DATE OF FUTURE SECOND PRIMARIES AT SEVEN WEEKS AFTER THE FIRST PRIMARY; TO REVISE THE MUNICIPAL ELECTION SCHEDULE TO PROVIDE MORE TIME FOR ABSENTEE VOTING AND ELECTION ADMINISTRATION; TO CONFORM NORTH CAROLINA ABSENTEE VOTING LAW TO THE U.S. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT; TO REVISE THE PROCEDURE FOR SELECTION OF PRECINCTS AND OTHER VOTING UNITS FOR SAMPLE COUNTS; TO PROVIDE FOR FILLING MID-ELECTION-YEAR JUDICIAL VACANCIES; AND TO FURTHER AMEND THE LAW CONCERNING JUDICIAL CANDIDACIES. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-192.)

S.B. 951, 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 OR TO PROVIDE COMPENSATION TO THE DISPLACED PRIVATE COMPANY. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-193.)

S.B. 1280, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO ESTABLISH A PILOT PROGRAM TO EVALUATE THE USE OF TELEMONITORING EQUIPMENT FOR HOME AND COMMUNITY BASED RECIPIENTS, AND TO PROHIBIT THE ISSUING OF LICENSES FOR HOME CARE AGENCIES FOR ONE YEAR. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-194.)

H.B. 1846, AN ACT TO LOWER THE THRESHOLD FROM ONE HUNDRED DOLLARS TO FIFTY DOLLARS FOR ACCEPTING A POLITICAL CONTRIBUTION IN CASH; TO PROHIBIT THE USE OF BLANK PAYEE CHECKS IN CAMPAIGN CONTRIBUTIONS; TO REQUIRE THE REPORTING OF THE IDENTITY OF A CONTRIBUTOR WHO MAKES A CONTRIBUTION OF MORE THAN FIFTY DOLLARS; TO SPECIFY THE TIME PERIOD BY WHICH THE THRESHOLD FOR

IDENTIFYING AN INDIVIDUAL CONTRIBUTOR'S IDENTITY IS MEASURED; TO ADD A PENALTY FOR ACCEPTING CONTRIBUTIONS FROM CERTAIN NONLEGAL SOURCES; TO BAR PROSECUTION IF BEST EFFORTS ARE MADE TO ENSURE THAT A CONTRIBUTION IS FROM A LEGAL SOURCE; AND TO STRENGTHEN POLITICAL COMMITTEE TREASURER TRAINING. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-195.)

H.B. 1891, AN ACT TO CLARIFY AND SIMPLIFY THE APPLICATION OF THE ADDITIONAL GROSS PREMIUMS TAXES ON FIRE AND LIGHTNING COVERAGE AND TO MAKE TECHNICAL AND CLARIFYING TAX LAW CHANGES. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-196.)

H.B. 1860, AN ACT TO DIRECT THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE TO ESTABLISH AND APPOINT A STROKE ADVISORY COUNCIL. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-197.)

H.B. 2037, AN ACT TO CLARIFY MEDICAID REIMBURSEMENTS FOR OCULAR PROSTHETISTS. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-198.)

S.B. 1375, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE NOTARY PUBLIC ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER CORRECTIONS TO SESSION LAW 2006-59. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-199.)

S.B. 1584, AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO COVER INCREASED PROGRAM OPERATING COSTS AND THE COSTS OF ANY LEGISLATIVE SALARY INCREASE FOR PERSONNEL WHO ADMINISTER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, August 3, 2006 - S.L. 2006-200.)

H. B. 1843, AN ACT TO ESTABLISH THE STATE GOVERNMENT ETHICS ACT; TO CREATE THE STATE ETHICS COMMISSION; TO ESTABLISH ETHICAL STANDARDS FOR CERTAIN STATE PUBLIC OFFICERS, STATE EMPLOYEES, AND APPOINTEES TO NONADVISORY STATE BOARDS AND COMMISSIONS; TO REQUIRE PUBLIC DISCLOSURE OF ECONOMIC INTERESTS BY CERTAIN PERSONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES; TO AMEND THE LOBBYING LAWS; AND TO MAKE CONFORMING CHANGES. (Became law upon approval of the Governor, August 4, 2006 - S.L. 2006-201.)

H.B. 2873, AN ACT TO REQUIRE PERMITTING AND INSPECTION OF NEW PRIVATE DRINKING WATER WELLS AND TO REQUIRE WATER QUALITY TESTING OF PRIVATE DRINKING WATER WELLS. (Became law upon approval of the Governor, August 7, 2006 - S.L. 2006-202.)

H.B. 914, 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, TO MAKE CONFORMING CHANGES, AND TO REPEAL VARIOUS STATUTES AND SESSION LAWS. (Became law upon approval of the Governor, August 7, 2006 - S.L. 2006-203.)

H.B. 2762, AN ACT RELATING TO THE APPOINTMENT AND COMPENSATION OF THE EXECUTIVE DIRECTOR AND ASSISTANT DIRECTOR OF THE U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION AND RELATING TO COVERAGE UNDER THE STATE PERSONNEL ACT OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF CULTURAL RESOURCES. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-204.)

S.B. 1216, AN ACT TO (1) ALLOW LOCAL DEPARTMENTS OF SOCIAL SERVICES TO SHARE CONFIDENTIAL INFORMATION WITH OTHER CHILD PROTECTION ORGANIZATIONS WHEN THE CONFIDENTIAL INFORMATION IS NEEDED TO PROTECT A CHILD FROM ABUSE AND NEGLECT, AND (2) ALLOW ENTITIES DESIGNATED BY THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO SHARE INFORMATION WITH A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT IS RELEVANT TO AN ASSESSMENT OF REPORTS OF CHILD ABUSE, NEGLECT, AND DEPENDENCY BY A LOCAL DEPARTMENT OF SOCIAL SERVICES. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-205.)

S.B. 2051, AN ACT TO REDUCE ENERGY, FUEL, AND WATER CONSUMPTION IN THE STATE THROUGH: (1) DEVELOPMENT OF A PLAN TO INCREASE THE AVAILABILITY AND USE OF ALTERNATIVE FUELS IN STATE-OWNED VEHICLE FLEETS; (2) PROVISION OF ENERGY ASSISTANCE TO LOW-INCOME PERSONS; (3) DEVELOPMENT OF A STRATEGIC PLAN TO EXPAND THE BIOFUELS INDUSTRY IN NORTH CAROLINA; AND (4) STUDY MECHANISMS TO IMPROVE ENERGY AND WATER CONSERVATION IN STATE-OWNED FACILITIES. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-206.)

S. B. 1295, AN ACT TO INCREASE PROTECTIONS FOR CONSUMERS WHO RECEIVE UNSOLICITED FACSIMILES. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-207.)

H.B. 1155, AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-208.)

S.B. 1373, AN ACT TO INCREASE THE FEE FOR A BREAST CANCER AWARENESS SPECIAL PLATE TO SUPPORT SERVICES TO DETECT BREAST CANCER EARLIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: CAROLINA'S AVIATION MUSEUM, EMT, FOX HUNTING, GOLD STAR, GREYHOUND FRIENDS OF NC, KAPPA ALPHA PSI FRATERNITY, LEUKEMIA & LYMPHOMA SOCIETY, LUNG CANCER RESEARCH, NC CHILDREN'S PROMISE, NC STATE PARKS, PRINCE HALL MASON, SUPPORT OUR TROOPS, AND US EQUINE RESCUE LEAGUE; TO ELIMINATE THE REGISTRATION PLATE FEE REQUIREMENT FOR INDIVIDUALS WHO QUALIFY FOR THE LEGION OF VALOR SPECIAL REGISTRATION PLATE; TO ADD THE DUCKS UNLIMITED SPECIAL PLATE TO THE LIST OF PLATES NOT REQUIRED TO HAVE A "FIRST IN FLIGHT" BACKGROUND; TO AUTHORIZE THE DIVISION TO ISSUE AN INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS SPECIAL PLATE TO A SURVIVING SPOUSE; TO REPEAL THE SUNSET ON THE HARLEY OWNERS' GROUP AND ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATES; AND TO AMEND THE RETIRED HIGHWAY PATROL SPECIAL PLATE. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-209.)

S.B. 522, AN ACT TO PROVIDE A RECIPROCAL PREFERENCE FOR NORTH CAROLINA FIRMS PROVIDING ARCHITECTURAL, ENGINEERING, SURVEYING, AND CONSTRUCTION MANAGEMENT AT RISK SERVICES FOR PUBLIC PROJECTS. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-210.)

S.B. 1436, AN ACT TO ALLOW REGIONAL COUNCILS OF GOVERNMENT TO FINANCE REAL PROPERTY ACQUISITIONS AND IMPROVEMENTS AND TO MAKE REVISIONS RELATED TO TAX INCREMENT FINANCING. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-211.)

S.B. 489, AN ACT TO AUTHORIZE 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, AND TO AMEND CERTAIN LICENSURE REQUIREMENTS UNDER THE NORTH CAROLINA COSMETIC ART ACT. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-212.)

S.B. 881, 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. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-213.)

H.B. 2164, AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-214.)

S.B. 1862, AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS, TO REQUIRE THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENTS. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-215.)

H.B. 143, AN ACT TO EXEMPT AGRI-TOURISM ACTIVITIES FROM THE PRIVILEGE TAX ON AMUSEMENTS. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-216.)

H.B. 2147, AN ACT TO REQUIRE STATE AGENCIES TO USE EXISTING PLANS FOR STATE CONSTRUCTION PROJECTS WHERE FEASIBLE. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-217.)

S.B. 927, AN ACT TO ALLOW THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DECLINE TO ACCEPT A NUTRIENT OFFSET PAYMENT FOR PHOSPHOROUS FOR THE TAR-PAMLICO RIVER BASIN IF THE DEPARTMENT FINDS THAT THE PAYMENT IS NOT SUFFICIENT TO COVER THE FULL COSTS OF NUTRIENT REDUCTION MEASURES NEEDED TO COMPLY WITH THE NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-218.)

H.B. 767, AN ACT ESTABLISHING TARGET INCOMES FOR PUBLIC HOUSING AUTHORITIES. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-219.)

H.B. 1522, AN ACT TO CONFORM THE TAX CREDIT FOR PRODUCTION COMPANIES TO THE STANDARD TAX TREATMENT WITH RESPECT TO THE DEDUCTION OF BUSINESS EXPENSES. (Became law upon approval of the Governor, August 8, 2006 - S.L. 2006-220.)

S.B. 198, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2006. (Became law upon approval of the Governor, August 10, 2006 - S.L. 2006-221.)

S.B. 2010, AN ACT TO ESTABLISH A STATUTORY LIEN FOR UNPAID LABOR, SKILL, OR MATERIALS ON AN AIRCRAFT AND FOR UNPAID STORAGE OF AN AIRCRAFT AND TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES. (Became law upon approval of the Governor, August 10, 2006 - S.L. 2006-222.)

S. B. 1122, AN ACT TO CREATE THE LAND AND WATER CONSERVATION STUDY COMMISSION. (Became law upon approval of the Governor, August 10, 2006 - S.L. 2006-223.)

H.B. 1965, AN ACT TO RESTRICT THE STATUTORY PURPOSES FOR WHICH EMINENT DOMAIN MAY BE USED BY PRIVATE CONDEMNORS, LOCAL PUBLIC CONDEMNORS, AND OTHER PUBLIC CONDEMNORS, AND FOR CERTAIN REVENUE BOND PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EMINENT DOMAIN POWERS. (Became law upon approval of the Governor, August 10, 2006 - S.L. 2006-224.)

H.B. 2212, AN ACT TO ESTABLISH THE LOTTERY OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE DISTRIBUTION OF UNCLAIMED LOTTERY PRIZES. (Became law upon approval of the Governor, August 10, 2006 - S.L. 2006-225.)

S.B. 1479, AN ACT TO ENACT THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT AND TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, August 10, 2006 - S.L. 2006-226.)

H.B. 1025, AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOL BEVERAGE CONTROL LAWS. (Became law upon approval of the Governor, August 10, 2006 - S.L. 2006-227.)

S.B. 1381, AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO CONVERT A PORTION

OF INTERSTATE 540 UNDER CONSTRUCTION IN WAKE AND DURHAM COUNTIES TO A TOLL FACILITY, TO CLARIFY WHICH PROJECTS THE TURNPIKE AUTHORITY IS AUTHORIZED TO CONSTRUCT, TO REQUIRE LEGISLATIVE APPROVAL FOR ADDITIONAL TURNPIKE AUTHORITY CONSTRUCTION PROJECTS, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS. (Became law upon approval of the Governor, August 10, 2006 - S.L. 2006-228.)

H.B. 1523, AN ACT TO INCREASE THE AMOUNT OF THE PENALTIES THAT MAY BE ASSESSED FOR VIOLATION OF THE COASTAL AREA MANAGEMENT ACT. (Became law upon approval of the Governor, August 10, 2006 - S.L. 2006-229.)

H.B. 749, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, AND TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE. (Became law upon approval of the Governor, August 10, 2006 - S.L. 2006-230.)

S.B. 1621, AN ACT TO AUTHORIZE ADDITIONAL SPECIAL INDEBTEDNESS FOR THE CONSTRUCTION OF UP TO FIVE YOUTH DEVELOPMENT CENTERS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR THE PURCHASE OF STATE GAME LANDS; TO AUTHORIZE SPECIAL INDEBTEDNESS FOR A PARKING FACILITY IN DOWNTOWN RALEIGH; AND TO EXEMPT SALES OF TIMBER FROM THE SERVICE CHARGE IMPOSED BY THE DEPARTMENT OF ADMINISTRATION. (Became law upon approval of the Governor, August 10, 2006 - S.L. 2006-231.)

S.B. 2009, AN ACT TO ALLOW CAPITAL LEASE FINANCING FOR PUBLIC SCHOOLS. (Became law upon approval of the Governor, August 12, 2006 - S.L. 2006-232.)

H.B. 966, AN ACT TO PROVIDE FOR THE DISCLOSURE OF CANDIDATE-SPECIFIC COMMUNICATIONS. (Became law upon approval of the Governor, August 13, 2006 - S.L. 2006-233.)

H.B. 88, AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED 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 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. (Became law upon approval of the Governor, August 13, 2006 - S.L. 2006-234.)

S.B. 1487, AN ACT TO AUTHORIZE 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 AS A DENTAL HYGIENIST, AND AUTHORIZING THE BOARD TO CHARGE THE ACTUAL COST OF THE THIRD-PARTY TESTING SERVICE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, August 13, 2006 - S.L. 2006-235.)

H.B. 643, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT OF AIRSPACE ABOVE STATE ROAD 1250, SPRINGFIELD ROAD, NEAR ROCKY MOUNT FOR THE CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM. (Became law upon approval of the Governor, August 13, 2006 - S.L. 2006-236.)

H.B. 859, AN ACT TO AUTHORIZE THE ADOPTION OR AMENDMENT OF A TRANSPORTATION CORRIDOR OFFICIAL MAP BY THE WILMINGTON URBAN AREA MPO. (Became law upon approval of the Governor, August 13, 2006 - S.L. 2006-237.)

H.B. 1099, AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT, COMMISSION, AUTHORITY, OR BOARD MAY CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO SATISFY THE REQUIREMENTS FOR CERTIFICATION OF LOCAL PROGRAMS FOR APPROVAL OF THE CONSTRUCTION OR ALTERATION OF THE DISTRIBUTION SYSTEM OF A PROPOSED OR EXISTING PUBLIC WATER SYSTEM. (Became law upon approval of the Governor, August 13, 2006 - S.L. 2006-238.)

S.B. 2043, AN ACT TO UPDATE THE MORTGAGE LENDING ACT BY CHANGING THE REGISTRATION FEES FOR MORTGAGE LICENSING AND RENEWAL AND BY AUTHORIZING THE COMMISSIONER TO PARTICIPATE IN A NATIONAL LICENSING SYSTEM AND DATABASE. (Became law upon approval of the Governor, August 13, 2006 - S.L. 2006-239.)

H.B. 2699, AN ACT TO MAKE CHANGES TO THE VISION CARE PROGRAM. (Became law upon approval of the Governor, August 13, 2006 - S.L. 2006-240.)

H.B. 2882, AN ACT ALLOWING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO EXTEND THE PERIOD IN WHICH A LICENSE REMAINS IN EFFECT AFTER A PERSON LICENSED ON BEHALF OF A FIRM OR CORPORATION CEASES TO BE ASSOCIATED WITH THAT FIRM OR CORPORATION, AND CLARIFYING A GENERAL CONTRACTING EXCEPTION. (Became law upon approval of the Governor, August 13, 2006 - S.L. 2006-241.)

H.B. 2885, AN ACT RELATING TO THE FILING PERIOD FOR EMPLOYERS TO PROTEST UNEMPLOYMENT INSURANCE CLAIMS. (Became law upon approval of the Governor, August 13, 2006 - S.L. 2006-242.)

H.B. 2894, AN ACT TO CLARIFY THE APPLICATION OF THE NORTH CAROLINA CONSUMER FINANCE ACT TO VARIOUS LENDING SUBTERFUGES. (Became law upon approval of the Governor, August 13, 2006 - S.L. 2006-243.)

S.B. 353, AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW LANDFILLS IN THE STATE FOR A PERIOD BEGINNING ON 1 AUGUST 2006 AND ENDING ON 1 AUGUST 2007, SUBJECT ONLY TO THE FOLLOWING EXCEPTIONS: (I) AN AMENDMENT, MODIFICATION, OR OTHER CHANGE TO A PERMIT FOR A LANDFILL ISSUED ON OR BEFORE 1 JUNE 2006; (II) A PERMIT FOR A HORIZONTAL OR VERTICAL EXPANSION OF THE LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006; (III) A PERMIT TO CONSTRUCT A NEW LANDFILL WITHIN THE FACILITY BOUNDARY IDENTIFIED IN THE FACILITY PLAN OF A LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006; (IV) A PERMIT TO OPERATE A NEW LANDFILL IF A PERMIT TO CONSTRUCT THE NEW LANDFILL WAS ISSUED ON OR BEFORE 1 JUNE 2006; (V) A PERMIT FOR A SANITARY LANDFILL USED ONLY TO DISPOSE OF WASTE GENERATED BY A COAL-FIRED GENERATING UNIT THAT IS OWNED OR OPERATED BY AN INVESTOR-OWNED UTILITY SUBJECT TO THE REQUIREMENTS OF G.S. 143-215.107D; AND (VI) A PERMIT FOR A SANITARY LANDFILL DETERMINED TO BE NECESSARY BY THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES IN ORDER TO RESPOND TO AN IMMINENT HAZARD TO PUBLIC HEALTH OR A NATURAL DISASTER; TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO SOLID WASTE DISPOSAL IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT; AND TO CREATE THE JOINT SELECT COMMITTEE ON ENVIRONMENTAL JUSTICE. (Became law upon approval of the Governor, August 14, 2006 - S.L. 2006-244.)

H.B. 1231, AN ACT TO PROTECT CONSUMERS FROM EXTREME PRICING PRACTICES. (Became law upon approval of the Governor, August 15, 2006 - S.L. 2006-245.)

S.B. 1566, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS AND TO PROTECT WATER QUALITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, August 16, 2006 - S.L. 2006-246.)

H.B. 1896, AN ACT TO (1) AMEND THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS; (2) IMPLEMENT A SATELLITE-BASED MONITORING SYSTEM TO ASSIST WITH THE SUPERVISION OF CERTAIN SEX OFFENDERS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE; (3) EXPAND THE DEFINITION OF 'SEXUAL CONTACT' AS IT RELATES TO THE OFFENSE OF SEXUAL BATTERY; (4) AUTHORIZE THE DEPARTMENT OF CORRECTION TO STUDY THE MENTAL HEALTH TREATMENT PRACTICES OF SEX OFFENDERS; (5) CREATE THE CRIMINAL OFFENSES OF HUMAN TRAFFICKING AND SEXUAL SERVITUDE; (6) AMEND THE OFFENSE OF INVOLUNTARY SERVITUDE; (7) ADD THE OFFENSE OF SEXUAL SERVITUDE TO THE LIST OF OFFENSES THAT REQUIRE REGISTRATION UNDER SEX OFFENDER REGISTRATION LAWS; (8) TO MAKE IT A CLASS G FELONY FOR A SEX OFFENDER TO RESIDE WITHIN ONE THOUSAND FEET OF A PUBLIC OR NONPUBLIC SCHOOL OR A CHILD CARE CENTER; (9) AMEND LAWS APPLICABLE TO NOTIFICATION OF SEX OFFENDER REGISTRATION REQUIREMENTS BY THE DIVISION OF MOTOR VEHICLES; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS "AN ACT TO PROTECT NORTH CAROLINA'S CHILDREN/SEX OFFENDER LAW CHANGES." (Became law upon approval of the Governor, August 16, 2006 - S.L. 2006-247.)

H.B. 1723, AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS. (Became law upon approval of the Governor, August 16, 2006 - S.L. 2006-248.)

H.B. 1059, AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO CLARIFY ENROLLMENT IN THE PPO OPTIONAL PROGRAM ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 3 OF CHAPTER 135 OF THE GENERAL STATUTES; AND TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS'

AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PERMIT A CERTAIN NUMBER OF LOCAL GOVERNMENTS OPTIONAL COVERAGE UNDER THE PLAN. (Became law upon approval of the Governor, August 16, 2006 - S.L. 2006-249.)

H.B. 1413, 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 AND TO ALLOW LOCAL GOVERNMENT EMPLOYEES TO STAND IN, ON, OR NEAR A PUBLIC STREET OR HIGHWAY OWNED, LEASED, OR CONTROLLED BY THE STATE TO SOLICIT CHARITABLE CONTRIBUTIONS SO LONG AS THE PERSON SOLICITING IS AN EMPLOYEE OR AGENT OF THE LOCAL GOVERNMENT AND MEETS CERTAIN RESTRICTIONS AND GUIDELINES. (Became law upon approval of the Governor, August 16, 2006 - S.L. 2006-250.)

S.B. 2012, AN ACT TO ENSURE THAT THE UNEMPLOYMENT TAX CONTRIBUTION RATE OF A BANKRUPT COMPANY WHOSE ASSETS ARE SOLD IN A BANKRUPTCY SALE IS NOT TRANSFERRED TO A COMPANY THAT BUYS THE ASSETS OF THE BANKRUPT COMPANY AND SHARES NO COMMON OWNERSHIP WITH THE BANKRUPT COMPANY. (Became law upon approval of the Governor, August 16, 2006 - S.L. 2006-251.)

H.B. 2170, 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. (Became law upon approval of the Governor, August 17, 2006 - S.L. 2006-252.)

H.B. 1048, AN ACT TO PROVIDE: (1) IMPROVED DETECTION OF IMPAIRED DRIVERS ON THE STATE'S ROADS AND HIGHWAYS; (2) IMPROVED METHODS OF DETERMINING HOW UNDERAGE DRIVERS OBTAIN ALCOHOL; (3) PROCEDURES FOR INVESTIGATING, ARRESTING, CHARGING, AND JUDICIAL PROCESSING OF IMPAIRED DRIVING OFFENSES; (4) RULES FOR THE COURTROOM ADMISSION OF EVIDENCE THAT IS RELEVANT TO IMPAIRED DRIVING OFFENSES; (5) CLARIFICATION ON WHEN A DRIVER IS GUILTY OF DRIVING WHILE IMPAIRED; (6) AGGRAVATED PENALTIES FOR OFFENDERS WHO SERIOUSLY INJURE OR KILL WHEN DRIVING WHILE IMPAIRED; (7) A SYSTEM OF REPORTING BY STATE PROSECUTORS AND THE COURTS ON THE DISPOSITION OF

IMPAIRED DRIVING OFFENSES; (8) ELECTRONIC MONITORING AFTER AN IMPAIRED DRIVER HAS BEEN RELEASED FROM CONFINEMENT; (9) FOR THE SEIZURE AND FORFEITURE OF THE VEHICLE WHERE A PERSON IS DRIVING WHILE IMPAIRED WITHOUT A LICENSE OR INSURANCE; (10) OTHER MEASURES DESIGNED TO IMPROVE THE SAFETY OF THE MOTORING PUBLIC OF NORTH CAROLINA; AND TO PROVIDE THAT THE ACT SHALL BE KNOWN AS "THE MOTOR VEHICLE DRIVER PROTECTION ACT OF 2006." (Became law upon approval of the Governor, August 21, 2006 - S.L. 2006-253.)

S.B. 1242, AN ACT TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO ESTABLISH GEAR SPECIFIC PERMITS TO TAKE STRIPED BASS FROM THE ATLANTIC OCEAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE. (Became law upon approval of the Governor, August 22, 2006 - S.L. 2006-254.)

S.B. 1587, AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR CONSULTANTS IN CERTAIN CIRCUMSTANCES; (4) PROVIDE THAT A PERSON WHO MANUFACTURES, INSTALLS, REPAIRS, OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED EFFLUENT FILTERS; (5) DELAY BY ONE YEAR THE EFFECTIVE DATE OF CERTAIN PROVISIONS OF S.L. 2005-384, AN ACT TO REQUIRE THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES; (5.1) PROVIDE THAT SEPTAGE GENERATED BY THE OPERATION OF A WASTEWATER FACILITY PERMITTED UNDER ARTICLE 11 OF CHAPTER 130A OF THE GENERAL STATUTES MAY BE MANAGED AS PROVIDED BY G.S. 130A-291.1; (5.2) ESTABLISH THE EMERGENCY DRINKING WATER FUND; (5.3) PROVIDE, ON A TEMPORARY BASIS, THAT DONATIONS OF REAL PROPERTY TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES THAT SERVE AS ALTERNATIVES TO MAINTENANCE OF RIPARIAN BUFFERS ARE LIMITED TO A PROPERTY THAT IS LOCATED IN THE SAME RIVER BASIN AS THE RIPARIAN BUFFER THAT IS LOST BUT ARE NOT LIMITED TO A PROPERTY THAT IS LOCATED ON THE SAME STREAM AS THE RIPARIAN BUFFER THAT IS LOST; (5.4) MODIFY THE

METHOD BY WHICH BASELINE EMISSIONS ARE DETERMINED FOR CERTAIN COAL-FIRED ELECTRIC GENERATING UNITS; (6) REMOVE DEER AND ELK FROM THE DEFINITION OF LIVESTOCK; (7) CLARIFY THAT THE FOR HIRE BLANKET COASTAL RECREATIONAL FISHING LICENSE IS ISSUED FOR THE FOR HIRE BOAT; (8) CLARIFY THAT SPECIAL LANDHOLDER AND GUEST FISHING LICENSES ONLY APPLY WHEN THE GUESTS ARE NONPAYING; (9) INCREASE THE TYPES OF LICENSES THAT THE WILDLIFE RESOURCES COMMISSION MAY ESTABLISH AS PERSONALIZED LICENSES; (10) CLARIFY THAT THE LIFETIME UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE IS A RESIDENT-ONLY LICENSE; (11) PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION OBTAINED BY THE WILDLIFE RESOURCES COMMISSION, THE MARINE FISHERIES COMMISSION, AND THE DIVISION OF MARINE FISHERIES; (12) AUTHORIZE THE MARINE FISHERIES COMMISSION TO EXEMPT CERTAIN ORGANIZED FISHING EVENTS FROM LICENSE REQUIREMENTS; AND (13) CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN. (Became law upon approval of the Governor, August 23, 2006 - S.L. 2006-255.)

S.B. 1564. AN ACT TO AMEND THE STATUTES GOVERNING SANITARY LANDFILL FRANCHISE ORDINANCES AND AGREEMENTS TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED TO, AWARD SANITARY LANDFILL FRANCHISES; TO PROVIDE FOR THE AWARD OF PRELIMINARY FRANCHISES AS WELL AS FRANCHISES AND TO SPECIFY THE INFORMATION TO BE INCLUDED THEREIN; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE AWARDED ONLY AFTER ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO PROVIDE THAT FRANCHISES ARE AWARDED ONLY AFTER PUBLIC NOTICE OF THE LOCATION OF THE PROPOSED SANITARY LANDFILL; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES; AND TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES TO ANY APPLICATION FOR A PRELIMINARY FRANCHISE OR FRANCHISE THAT IS FILED WITH A LOCAL GOVERNMENT ON OR AFTER THAT DATE AND THAT THIS ACT DOES NOT AFFECT ANY FRANCHISE THAT HAS BEEN AWARDED AS OF THE DATE ON WHICH THIS ACT BECOMES

EFFECTIVE UNLESS THE FRANCHISE PROVIDES FOR A FINAL VOTE OF THE GOVERNING BOARD OF THE LOCAL GOVERNMENT ON THE FRANCHISE AND THE FINAL VOTE OCCURS ON OR AFTER 1 NOVEMBER 2006, IN WHICH CASE THE PROVISIONS OF G.S. 130A-294(B1), AS AMENDED BY THIS ACT, APPLY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, August 23, 2006 - S.L. 2006-256.)

H.B. 267, AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE ISSUANCE OF TEMPORARY DRIVING CERTIFICATES PENDING THE ISSUANCE OF A DRIVERS LICENSE. (Became law upon approval of the Governor, August 23, 2006 - S.L. 2006-257.)

H.B. 1825, AN ACT TO DELAY IMPLEMENTATION OF THE REVISED SECONDARY ROAD FORMULA TO JULY 1, 2007; TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PAVE SECONDARY ROADS ON A REDUCED RIGHT-OF-WAY, IF THE DIVISION ENGINEER DETERMINES IT CAN BE DONE SAFELY; TO REQUIRE THAT THE DEPARTMENT OF TRANSPORTATION, BEGINNING IN THE 2006-2007 FISCAL YEAR AND UNTIL THE 2009-2010 FISCAL YEAR, SET ASIDE UP TO FIVE MILLION DOLLARS TO PAY FOR THE PAVING OF ANY UNPAVED SECONDARY ROAD THAT HAD PREVIOUSLY BEEN DETERMINED TO BE INELIGIBLE FOR PAVING; AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE COST OF PAVING AND MAINTENANCE OF PAVED AND UNPAVED SECONDARY ROADS IN DIFFERENT GEOGRAPHIC AREAS OF THE STATE. (Became law upon approval of the Governor, August 23, 2006 - S.L. 2006-258.)

S.B. 1523, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS. (Became law upon approval of the Governor, August 23, 2006 - S.L. 2006-259.)

S.B. 862, AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF KOREA AND VIETNAM. (Became law upon approval of the Governor, August 24, 2006 - S.L. 2006-260.)

H.B. 1827, AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL CONTRACTOR'S LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO CLARIFY A GENERAL CONTRACTING EXCEPTION, AND TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES IN HIGHWAY CONSTRUCTION. (Became law upon approval of the Governor, August 27, 2006 - S.L. 2006-261.)

H.B. 128, 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 CLARIFY WHAT REASONABLE ADMINISTRATIVE EXPENSES INCLUDE; AND TO PROVIDE THAT EXCEPT FOR THEIR ENVELOPE, PROVISIONAL BALLOTS SHALL NOT BE MARKED TO BE IDENTIFIABLE TO A VOTER. (Became law upon approval of the Governor, August 27, 2006 - S.L. 2006-262.)

H.B. 1417, AN ACT RELATING TO REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS. (Became law upon approval of the Governor, August 27, 2006 - S.L. 2006-263.)

S.B. 602, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS. (Became law upon approval of the Governor, August 27, 2006 - S.L. 2006-264.)

**BILLS REMAINING IN SENATE COMMITTEES
2005 SESSION
SECOND SESSION 2006**

The following bills and resolutions remain in Senate Committees after adjournment *sine die* on July 28, 2006, to be transferred to the Division of Archives and History of the Department of Cultural Resources upon adjournment *sine die* of the 2007 General Assembly. Some of these bills may be included in other ratified bills or identical Senate or House bills are ratified.

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

H	347	Agricultural Development/Farmland Preservation.
H	2125	Extend Climate Change Commission.
S	186	Division of Forest Resources/Emergency Response.
S	300	Clarify Veterinary Urine Test Requirements.
S	406	Interconnection of Public Water Systems.
S	529	Animal Shelters/Uniform Regulation.
S	568	Certify On-Site Wastewater Contractors.
S	631	Amend Plant Pest Law.-AB
S	654	Mitigation Credit-DOT/CWMTF Joint Purchases.-AB
S	716	Amend Forest Development Act.-AB
S	798	Recordation of Soil and Wastewater Conditions.
S	843	Uniform Regulation of Fertilizer.
S	902	Enhance On-Site Wastewater System Approvals.
S	950	Enlarge State Park Addition in Cumberland.
S	990	Environmental Accountability and Info. Act.
S	1006	Low-Emission Vehicles/Funds.
S	1014	Mercury Switch Removal Act.
S	1019	Improve Environmental Enforcement.
S	1030	Electronics Recycling and Job Creation.
S	1034	Reduce Deer Population.
S	1035	DOT Environmental Rule Cost Analysis.
S	1038	Mobile Source Emissions Reduction Program.
S	1091	Clean Water Act of 2005.
S	1107	Yadkin/Pee Dee River Basin Comm.
S	1148	State Use of Alternative Fuel Vehicles.
S	1155	Amend Agricultural Laws -2.
S	1396	Disapprove State Phase II Stormwater Rule.
S	1547	Private Drinking Water Wells/Local Well Programs.
S	1560	Low-Emission Vehicles.
S	1561	Amend Interbasin Transfer Laws.
S	1565	Underground Storage Tank Amendments 2006.
S	1575	Moratorium Imposed on New Landfills/Funds.
S	1583	Delay CWMTF Amendments.
S	1588	Amend Natural Resources Laws 2006.
S	1589	Environmental Reports Consolidation 2006.

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES (continued)

S	1593	Child Lead Poisoning/DENR Authority.
S	1597	Fertilizer Spreaders/Registration Exemption.
S	1600	Land-Disturbing Activities Near Trout Waters.
S	1971	Cost-Share Program/Funds to Replace Lagoons.
S	2014	The Hugh Morton Save the Coast Pilot/Funds.
S	2026	Wastewater System Approvals/Small Counties.

APPROPRIATIONS/BASE BUDGET

H	50	Street Gang Prevention Act.
H	127	State Employee Poll Workers.
H	575	Lump-Sum Bonuses for Certain State Employees.
H	2183	Capital Improvements Reserve Account.
S	10	Fund/Establish Trade Office in Republic of China.
S	11	Legislative Salary Adjustment.
S	38	HCCBG Funds.
S	39	Senior Games/Funds.
S	45	Accessible Electronic Information Act/ Blind/Disabled.
S	54	Wake County Family Court Funds.
S	55	Rural Economic Development Center Funds.
S	66	International Home Furnishings Market Funds.
S	70	Designate Economic Crisis Relief Officer.
S	95	NC A&T State University Research/Extension Funds.
S	103	Lapsed Salaries Revert.
S	105	Phase Out Medicaid County Share.
S	106	No Abortion Coverage/State Health Plan.
S	113	Low-Wealth School Supplemental Funding.
S	114	Osteoporosis Education Funds.
S	115	Healthy Carolinians Funds.
S	119	Ticket to Work/Medicaid Eligibility.
S	120	Expand Medicaid Eligibility to Children/ Two Hundred Percent.
S	121	Funds to Expand Community Care Program.
S	123	Funds for Increasing Medicaid Dental Rates.
S	124	Reinvestment of Savings Realized/Community Care.
S	129	Robeson Community College Funds.
S	144	Franklin Square Gallery Elevator Funds.
S	156	DOT Retired Engineers.
S	158	Revenue Tax Evasion Project.
S	167	Pitt County Senior Center Funds.
S	168	Southern Music Tourism Facility Funds.
S	177	Southeastern Community College Facilities/Funds.
S	183	Funds for the Schools Attuned Program.
S	187	Funds for Healthy Start Foundation.
S	188	Food Bank Funds.

APPROPRIATIONS/BASE BUDGET (continued)

S	199	Assistant County Ranger Position in Columbus/Funds.
S	203	13th Senatorial District Local Act-2.
S	211	State Public Health Lab/Construction Project.
S	216	Coordination of Children's Services/Study.
S	222	Funds for NC REAL.
S	228	Study of Proprietary Schools.
S	243	50th Senatorial District Local Act-1.
S	266	Child Welfare Collaborative Funds.
S	267	Public Laws – 1.
S	297	Historic Oak Grove School Funds.
S	298	Single Sisters House Funds.
S	299	Nonresidential Science & Math Schools/Pilot.
S	308	Tuition Waiver/Wards of the State.
S	309	Funds for State Aid for Libraries.
S	325	Zero/Based Budget.
S	328	Children's Advocacy Center Funds.
S	330	Increase NC Housing Trust Fund.
S	331	Charlotte Hawkins Brown Museum/Funds.
S	334	Funds for Center for International Understanding.
S	337	40th Senatorial District Local Act-3.
S	347	Southern Appalachian Science & Technology Funds.
S	354	Infrastructure Inventory Funds.
S	362	Phase Out County Share/Special Assistance.
S	367	Vietnam Veterans Memorial Funds.
S	378	Increase Funding for Small Business Centers.
S	379	Customized Industry Training Program Funds.
S	380	Increase Community College Equipment Funds.
S	385	Funds for Strike Out Stroke.
S	413	MEAC Scholarship Funds.
S	414	UNC-Wilmington Funds.
S	416	Funds for Cape Fear Community College.
S	422	Equity Funding for UNC-Wilmington.
S	423	Nursing School at UNC-Wilmington.
S	438	Funds for El Futuro, Inc.
S	444	Funds for Trucking Program/Cape Fear Community College.
S	446	Marine Technology Research Vessel Funds.
S	451	Down Home Documentary Funds.
S	452	Robeson Community College Structural Insulated Panels Funds.
S	455	Mecklenburg Detention Center Funds.
S	456	Black Child Development Institute Funds.
S	457	NC Veterans Memorial Funds.
S	464	Sunshine Transitional Program Funds.

APPROPRIATIONS/BASE BUDGET (continued)

S	479	TANF Block Grant Funds/Boys & Girls Club.
S	480	Community Development Assistance Funds.
S	483	Science Museums of Wilson Funds.
S	495	Center for Design Innovation Funds.
S	496	Funds for North Carolina Writing Project.
S	497	Forsyth Tourism Funds.
S	498	Autism Foundation Capital Funds.
S	499	Funds for Interpreter Services.
S	500	Autism Society Funds.
S	501	TEACCH Program Funds.
S	503	Funds for Rural Health Recruitment.
S	504	Funds for Defibrillators/Public Buildings.
S	509	Allied Health & Science Center Funds.
S	513	Mental Health Court Funds.
S	515	Mecklenburg Assistant District Attorneys Funds.
S	516	Travel Allowance for Appellate Judges.
S	531	John Coltrane Music Hall Funds.
S	536	Self-Serve Center Funds.
S	538	Statewide Assistant District Attorneys Funds.
S	550	Oyster Hatcheries at Aquariums/Funds.
S	562	First Flight Venture Center Renovation Funds.
S	563	First Flight Venture Operating Funds.
S	567	Initiatives to Close the Achievement Gap.
S	569	Teacher Scholarships/Funds.
S	582	Teacher Loan Program.
S	583	NC National Guard Heroes Act of 2005.
S	595	North Carolina Transportation Museum Funds.
S	596	Agricultural Curriculum Development Coordinator Funds.
S	604	FFA Center Funds.
S	607	Family Med Center at ECU/Funds.
S	608	Edgecombe School Suspension Funds.
S	609	Boys and Girls Club Funds.
S	613	Funds for High-Cost Community College Programs.
S	624	Automated Discovery System Funds.
S	628	Ashe Forestry Headquarters Funds.
S	632	Duplin Agribusiness Center Funds.
S	633	Historic Paramount Theatre Funds.
S	634	Farmville/Greene County Water Funds.
S	635	Lenoir Community College Simulated Cell Funds.
S	636	Funds for Office of Administrative Hearings.
S	637	Obesity Research Funding.
S	640	Funds to Address AIDS Public Health Crisis.
S	641	Funds for AIDS Drug Assistance Program.
S	646	Code Officials Professionalism.

APPROPRIATIONS/BASE BUDGET (continued)

S	651	Museum of Life and Science Funds.
S	652	School Psychologist w/National Certification/Bonus.
S	661	Rural Emergency Department Funds.
S	664	Small Business Regulatory Improvement Act.
S	675	Establish Mounted Horse/Caisson Patrol Unit.
S	676	Community College BioNetwork Funds.
S	677	Expand Teaching Fellows Program.
S	678	Smart Start Funds.
S	683	Funds for Public Health Incubators.
S	690	Kids Voting Funds.
S	694	State Parks System Additions.
S	695	Funds for Mental Health Trust Fund.
S	696	Funds to Expand Mental Health Community Capacity.
S	697	Funds for Mental Health Residential Services.
S	698	Funds for Mental Health Crisis Services.
S	699	Funds for Mental Health/Developmental Disabilities/Substance Abuse Specialty Services.
S	703	Rate and Inflationary Increases/ Mental Health Providers.
S	704	Funds for Mental Health/Developmental Disabilities/Substance Abuse Childrens' Services.
S	706	District 23 Family Court Funds.
S	708	Public Libraries/Maintenance of Effort.
S	709	Salary Supplement/Certain Education Programs.
S	713	Funds for Allied Health Services.
S	714	Funds for Isothermal Community College.
S	717	Women's Health Office Fund.
S	731	Raeford Redevelopment Funds.
S	732	Lumberton Airport Hangar Funds.
S	733	Street Gang Prevention Act.
S	736	Fort Bragg/Pope Air Force Land Commission Funds.
S	744	Funds for Public Health Incubators.
S	747	Military Business Center Appropriation.
S	752	Low-Wealth Community Colleges Retain Funds.
S	753	Funds to Help Children with Cochlear Implants.
S	754	Funds for Highway Patrol Aircraft.
S	755	UNC-Asheville/Retain Sale Proceeds.
S	759	Assistant District Attorneys/Victim Witness Funds.
S	760	Funds for Delta Arts Center.
S	761	Funds for Center for Emerging Technologies.
S	762	Prairie Ridge Ecostation Capital Funds.
S	766	Funds to Address AIDS Public Health Crisis.
S	767	Funds for Asthma Education.
S	769	Funds for AmeriCorps.

APPROPRIATIONS/BASE BUDGET (continued)

S	770	Funds for Diabetes Prevention.
S	771	Funds for Health Disparities Initiative.
S	772	Funds for AIDS Drug Assistance Program.
S	777	Cullowhee Fire Department Funds.
S	779	Scholarship Loans/Paramedic-to-BSN Program.
S	780	Macon/Graham Magistrate Funds.
S	781	Assistance to District Attorneys/Funds.
S	788	New Hope Clinic Funds.
S	800	Trade Jobs For Success Initiative/Funds.
S	801	Funds for Public Health Incubators.
S	802	Funds for Health Department Improvements.
S	803	Community Health Center Funds.
S	808	Amend Clerks' Longevity.
S	818	FerryMon Funds.
S	819	State Capitol Funds.
S	825	e-NC Voting Members/Job Creation Funds.
S	827	Judicial College Funds.
S	829	ACC Hall of Champions Funds.
S	838	Funds for Traumatic Brain Injury Services.
S	839	Historic Person's Ordinary Building Funds.
S	845	Strengthen Requirements for Issuing Building Permits.
S	849	Additional District Court Judges/District 10/Funds.
S	850	Mecklenburg Courthouse Technology Funds.
S	851	Mecklenburg Courthouse Internet Funds.
S	859	Real-Time Monitoring/Reservoirs & Blue Crabs.
S	861	District 6A Judicial Personnel Funds.
S	871	Establish Child Maltreatment Prevention Council.
S	873	TANF Block Grant Funds/Work Central, Inc.
S	874	Funds for Child-Caring Institutions.
S	875	Child Protective Services Worker Funds.
S	876	Special Olympics Funds.
S	880	Real-Time Monitoring/Reservoirs & Blue Crabs.
S	882	Carolina Ballet Funds.
S	890	DWI Processing Court.
S	896	Bladen Community College Funds.
S	899	Funds for Vocational Rehabilitation Services.
S	908	State Government Fair Wage Funds/Study Fair Pay.
S	909	Historically Underutilized Businesses.
S	919	Endangered Manufacturing Jobs Protection Act.
S	920	Small Entrepreneurs' Business Grant.
S	925	Oyster Restoration & Protection.
S	943	Core Sound Waterfowl Museum Funds.
S	944	Public Laws - 1.
S	949	Engineering Schools Consortium Funds.
S	955	Energy Assistance for Low-Income Persons.

APPROPRIATIONS/BASE BUDGET (continued)

S	958	School Psychologist w/National Certification/Bonus.
S	965	Education Improvement Act of 2005.
S	968	Trust Fund For Essential Services.
S	978	UNC Institute of Medicine Funds.
S	983	SE Center for Contemporary Art/Funds.
S	985	Funds for Industrial Commission Positions.
S	992	State Ports Authority Funds.
S	1001	State Ports Authority Funds.
S	1007	Free Tuition/School Teachers' Children.
S	1012	Food Runners Collaborative Funds.
S	1021	NC Community Development Initiative Funds.
S	1023	Enrollment Funding in Continuing Budget.
S	1026	UNC Nonfaculty Leave.
S	1027	Pope House Museum Funds.
S	1037	Brody School of Medicine at ECU/Medicare Receipts.
S	1047	Rural Physicians Incentive Funds.
S	1050	Equity Funding for ASU.
S	1052	Business Education Technology Alliance Legislation.
S	1053	Historically Black Colleges/Scholarship Funds.
S	1054	Winston-Salem State University Translational Biotech Center Funds.
S	1061	Carolina Civic & Equine Center Funds.
S	1065	College of Education at ASU/Funds.
S	1071	North Carolina Minority Support Center.
S	1073	Water Resources Management/Funds.
S	1080	Sex Offender Registry/Criminal Law Changes.
S	1083	Neuse Regional Water & Sewer Funds.
S	1084	CSS Neuse Gunboat Funds.
S	1090	Playground Equipment from Smart Start Funds.
S	1093	Bertie Assistant Ranger Position/Funds.
S	1094	State Employees/Teachers Pay Increases.
S	1097	DNA Crime Lab Investigators/Funds.
S	1101	Asheville Tuberculosis Exhibit Funds.
S	1102	Funds for Economic Development Study Recommendations.
S	1103	NC Small Business Early Stage Capital Fund.
S	1108	State Budget Act.
S	1109	Funds for Center for Universal Design.
S	1110	Assistive Technology Project Funds.
S	1111	Funds for Wake Inpatient Psychiatric Facility.
S	1119	North Carolina Veterans Park Funds.
S	1125	Kenansville Confederate States Armory Funds.
S	1127	DOT Minority/Women Business Programs/Small Business Enterprises Projects.

APPROPRIATIONS/BASE BUDGET (continued)

S	1129	Fund Stream Mapping.
S	1131	Expand Wastewater Discharge Elimination Program Funds.
S	1145	Judicial Voter Guides Funds.
S	1146	North Carolina Veterans Park Funds.
S	1158	Craven Community College Advanced Manufacturing Center Funds.
S	1159	Tryon Palace/History Education Center Funds.
S	1163	Clerk of Court Pay Changes/Funds.
S	1186	District 27B ADA Funds.
S	1188	UNC Pembroke Nursing Education Facility.
S	1189	Fairmont Community Center Funds.
S	1190	Robeson Community College Capital Funds.
S	1191	Red Springs Historical Museum Funds.
S	1192	Historic Robeson Funds.
S	1193	Raeford Downtown Revitalization Funds.
S	1194	Red Springs & Northern Railroad Funds.
S	1195	Hoke Turkey Festival Funds.
S	1196	Funds for the Center for Design Innovation.
S	1197	Funds for SciWorks of Forsyth County.
S	1198	Wilkes County Student Performing Arts Center Funds.
S	1204	Jessica's Law/Strengthen Sex Offender Laws.
S	1205	Equine Industry Study Funds.
S	1206	Funds/Increase Aid to Public Libraries Fund.
S	1209	Medicaid County Share.
S	1212	Funds for School of Nursing at UNC-W.
S	1214	New Hanover Community Resource Centers/Funds.
S	1215	Marine Technology Research Vessel Funds.
S	1219	Lottery School Capital Fund Formula.
S	1220	Repayment of Highway Trust Fund Monies.
S	1225	State Government Performance Audit.
S	1230	Iredell Museums Funds.
S	1231	Fort Dobbs Reconstruction Funds.
S	1232	Iredell Cattle Expo Funds.
S	1233	Funds for Helping Hands-Domestic Violence Prevention.
S	1234	Funds/Maria Parham Hospital/Warren County Free Clinic.
S	1235	Funds/Vance County Boys & Girls Club.
S	1236	Funds/Vance County Library.
S	1237	Funds/Franklin County Library.
S	1238	Funds for SafeSpace, Inc.
S	1239	Funds/Bridge Builders for Change, Inc.
S	1241	Funds for City of Creedmoor.

APPROPRIATIONS/BASE BUDGET (continued)

S	1243	NC Paddle Trails Association Funds.
S	1244	Duplin Agribusiness Center Funds.
S	1245	CSS Neuse Gunboat Funds.
S	1247	Food Bank Funds.
S	1248	Central Park Funds.
S	1249	Funds to Prevent Child Maltreatment.
S	1250	Funds/Increase Medicaid Payments Outpatient.
S	1251	Funds to Reduce Infant Deaths/Preterm Births.
S	1252	Traumatic Brain Injury Study Funds.
S	1253	Funds for Perinatal Care.
S	1254	Funds for NC Infant Safe Sleep Campaign.
S	1255	Traumatic Brain Injury Funds.
S	1256	Funds for Interpreter Services.
S	1257	Funds for Drag Strip Racing Track.
S	1260	Airlie Gardens Welcome Pavilion Funds.
S	1261	Louise Wells Cameron Art Museum Funds.
S	1262	Funds/New Hanover Library Authors' Fund.
S	1263	Funds for UNC-Wilmington Science Lab.
S	1270	Adult Day Care Rate Increase.
S	1271	Long-Term Care Ombudsman Position Funds.
S	1272	Funds for NC Housing Trust Fund.
S	1273	Additional Funds for Home & Community Care Block Grant.
S	1275	Health Care Personnel Registry Expansion.
S	1285	Funds for Public Health Project.
S	1287	Surry Community College Viticulture and Enology Center Funds.
S	1292	Natural Science Center of Greensboro Funds.
S	1293	NC Science Competitions Program Center Funds.
S	1294	Triad Stage Funds.
S	1296	International Civil Rights Museum Funds.
S	1297	Mentors Association Funds.
S	1298	John Coltrane Music Hall Funds.
S	1299	Malachi House Funds.
S	1300	African American Atelier Funds.
S	1301	Palmer Memorial Institute/Charlotte Hawkins Brown Museum/Funds.
S	1302	Wise Guys Funds.
S	1303	International Home Furnishings Market Funds.
S	1312	Funds for Hertford County Public Health.
S	1313	District 6A District Court Judge Funds.
S	1314	Sylvan-Heights Waterfowl Park Funds.
S	1315	Domestic Violence Offender Program Funds.
S	1316	Halifax-Northampton Airport Funds.

APPROPRIATIONS/BASE BUDGET (continued)

S	1317	Shellfish Research Positions/UNC-Wilmington Funds.
S	1318	Thalian Hall & Carolina Ballet Funds.
S	1319	Wilmington Police Helicopter Equipment Funds.
S	1320	Funds for Mental Health Services/Facilities.
S	1325	Funds for Lake Junaluska Center.
S	1327	TANF Block Grant Funds/Boys & Girls Club.
S	1329	Funds for Mental Health and Addiction Services.
S	1330	Funds/Chatham County Council on Aging.
S	1331	Funds/Renovation Funds for W.B. Wicker Auditorium.
S	1334	District 22 Assistant District Attorneys Funds.
S	1336	District 10 Judge/Assistant District Attorneys Funds.
S	1337	International Affairs Council Funds.
S	1338	State Capitol Funds.
S	1339	Funds for Wake County Psychiatric Hospital.
S	1340	Wake County Family Court Funds.
S	1342	Federal Block Grant Funds for Work Central.
S	1343	Funds for SPICE Program.
S	1344	Funds/NC Geography Education Fund.
S	1345	Rutherford Agricultural and Arts Funds.
S	1347	Funds for TROSA.
S	1349	Lottery Proceeds.
S	1350	Tryon Palace Funds.
S	1353	NCSU Agricultural Leadership Funds.
S	1354	Agricultural Education Funds.
S	1355	Hickory Center for Engineering Technology/Funds.
S	1360	Funds Healing With CAARE, Inc.
S	1365	Lottery Oversight Commission.
S	1366	Community College Bonds Matching Requirement.
S	1367	Legal Education Assistance (NC Leaf) Funds.
S	1368	Funds for Vision Care Training and Services.
S	1369	Kids Voting Funds.
S	1370	NC Military Business Center Funds.
S	1371	Bladen Emergency Service Training Center Funds.
S	1379	Penland School of Crafts Funds.
S	1386	Lenoir Community College/Jones County Facility Funds.
S	1387	Military Services Support Act.
S	1389	District 30 Judge/Assistant District Attorney Funds.
S	1390	NC Military Research Center Funds.
S	1392	Vietnam Veterans Memorial Funds.
S	1397	Funds for Traumatic Brain Injury.
S	1398	New Foreign Language in Schools/Pilot Program.
S	1399	UNC Fines and Forfeitures/Clear Proceeds.

APPROPRIATIONS/BASE BUDGET (continued)

S	1400	Community Development Funds.
S	1401	Engineering Schools Consortium Funds.
S	1402	Multimodal Transportation Facility.
S	1403	Trust Fund For Essential Services.
S	1404	Funds for Green Building/Wilson Technical Community College.
S	1405	Funds for N.C. Research Campus at Kannapolis.
S	1406	Ellerbe Water Funds.
S	1407	Funds for Community Health Centers.
S	1408	Funds for Universal Vaccine Program.
S	1409	Funds for Mental Health/Deaf Services.
S	1410	Funds for Early Intervention.
S	1411	Funds for Local Management Entities Training.
S	1412	Funds for Community Health Centers.
S	1413	Funds for Nursing Facility Rate Adjustment.
S	1414	Funds for Additional School Nurses.
S	1415	Child Welfare Funds.
S	1416	Funds for Adult Care Home Rate Increase.
S	1417	Community-Based Corrections Funds.
S	1419	Pesticide Disposal Program Funds.
S	1430	Franklin Square Gallery Elevator Funds.
S	1435	Old Salem Funds.
S	1437	Science Outreach to Public School Funds.
S	1438	Boiling Springs YMCA Funds.
S	1439	Differential Funding/Allied Health Programs.
S	1440	Community College System Office Staff Salary Funds.
S	1441	State Health Plan/Local Option Coverage.
S	1450	Recommendations/Joint Committee on Domestic Violence/Funds.
S	1454	Gaston Literary Council Funds.
S	1455	Gaston Museums Funds.
S	1457	Gaston College Capital Funds.
S	1460	Gaston Biodiesel Funds.
S	1461	Gaston High School Computer Funds.
S	1465	Increase State Contractual Scholar Fund.
S	1467	Greene County Infrastructure Funds.
S	1468	Goldsboro Performing Arts Theatre Funds.
S	1469	Volunteer Safety Workers' Compensation Funds.-AB
S	1470	Hunt Institute Funds.
S	1471	Wilson County Bioscience Funds.
S	1472	Legislative Tuition Grant Increased.
S	1473	Whirligig Complex Funds.
S	1474	Retirees Returning to Work.
S	1475	Amend Future Teachers' Scholarship Loan.

APPROPRIATIONS/BASE BUDGET (continued)

S	1476	Tuition & Contractual Grants for Teaching/Nursing.
S	1478	Rape Crisis & Sexual Assault Funds.
S	1480	21st Century Farmers' Markets Program Funds.
S	1486	Office of Administrative Hearings Position Funds.
S	1491	Funds for Purchase of Vaccines and Antivirals.
S	1492	Funds for State Laboratory of Public Health/Office of the Chief Medical Examiner.
S	1493	Fund Regional Advisory Committees.
S	1494	Funds for NC Department of Agriculture and Consumer Services.
S	1496	State Emergency Response Fund.
S	1497	New Emergency Operations Center/Funds.
S	1501	Flat Rock Playhouse Funds.
S	1502	Historic Hope Foundation, Inc.
S	1508	District 24 Assistant District Attorneys/Victim Witness Assistants Funds.
S	1509	Mitchell Deputy Clerk Funds.
S	1511	Pitt & Beaufort County Community Colleges Capital Funds.
S	1514	Advanced Vehicle Research Funds.
S	1515	At-Grade Railroad Crossing Removals.
S	1516	Funds for Adolescent Pregnancy Prevention.
S	1517	Funds for Thurman Zumwalt Foundation.
S	1518	NC Minority Support Center Funds.
S	1522	District 25 ADA Funds.
S	1524	Davidson Deputy Clerk Funds.
S	1525	Sturgeon City Capital Funds.
S	1527	Increase Child Care Market Rates.
S	1528	Communities in Schools Funds.
S	1532	Increase Mental Health/Developmental Disorders/ Substance Abuse Crisis Services.
S	1533	Strengthen Mental Health/Developmental Disorders/ Substance Abuse Private Providers.
S	1534	Increase State Funding for Mental Health/Developmental Disorders/Substance Abuse Services.
S	1535	Mental Health/Developmental Disorders/Substance Abuse Community Capacity/Financing Reform.
S	1536	Consumer and Family Advisory Committees.
S	1538	Guilford Community College Capital Funds.
S	1539	Brunswick Family Resource Center Funds.
S	1540	Historic Burgaw Depot Funds.
S	1542	NC Museum of Forestry Funds.
S	1543	Columbus Arts Council Funds.
S	1544	Topsail Beach Renourishment Funds.
S	1545	Office of State Personnel Leadership Institute Funds.

APPROPRIATIONS/BASE BUDGET (continued)

S	1546	NC Arts Council Funds.
S	1548	Funds for Central Children's Home.
S	1549	Funds for Tribal Research.
S	1551	Medicaid Reimbursement for Ocular Prosthetists.
S	1556	One NC - Johnson & Wales.
S	1557	Intermediate Deferred Prosecution/Drug Treatment Court.
S	1558	Restore Boxing Commission Budget Cuts.
S	1562	Court Fee for Legal Services.
S	1567	Revise Capital Improvement Plan.
S	1569	Capital Improvements Reserve Account.
S	1570	Funds for Capital Improvement Reserve Account.
S	1577	Transfer of Highway Funds.
S	1579	NCSU Veterinary Hospital Funds.
S	1580	Resource Conservation & Development Councils Funds.
S	1585	Fund Stream Mapping.
S	1586	Well Construction Fund/Grants for Local Programs.
S	1592	State Parks System Additions.
S	1604	At-Risk African-American Students Research Consortium.
S	1605	Additional Resources/Low-Performing Schools.
S	1606	MEAC Scholarship Funds.
S	1609	Larry T. Justus Western Justice Academy Funds.
S	1614	Broadband Connectivity for Public Schools.
S	1615	UNC Focused Growth/Special Needs Institute Funds.
S	1616	Funds for Virtual Learning.
S	1617	Expand Teaching Fellows Program.
S	1618	Funds for Wake County Hospice.
S	1619	Inter-Faith Food Shuttle Funds.
S	1620	Raleigh Safety Club Restoration Funds.
S	1622	Boys & Girls Clubs Technology Funds.
S	1623	Funds for GAMEPLAN, Inc.
S	1624	NCSU Funds/Williamsdale Farm & Agricultural Programs.
S	1625	Chadbourn Depot Funds.
S	1626	Brunswick County Exposition Center Funds.
S	1629	UNC/Research and Jobs Funds.
S	1631	Funds for Western Highlands.
S	1632	Funds for First Step Farm.
S	1633	Search and Rescue Air Operations Funds.
S	1634	Asheville Art Museum Funds.
S	1635	Asheville Tuberculosis Exhibit Funds.
S	1636	Asheville-Buncombe Technical Community College Funds.

APPROPRIATIONS/BASE BUDGET (continued)

S	1637	Buncombe Forestry Office Funds.
S	1638	Eblen Center for Social Enterprise Funds.
S	1639	Core Sound Waterfowl Museum Funds.
S	1640	Funds for the FerryMon Project.
S	1641	Craven County Regional Airport Expansion.
S	1643	District 3B Assistant District Attorneys/Victim Witness Assistants Funds.
S	1647	Hoffman Sewer Feasibility Study Funds.
S	1648	Funds for Medicaid Personal Care Services Rate Increase.
S	1649	T.E.A.C.H. Funds.
S	1650	Inflationary Increase/Medicaid Providers.
S	1651	Prescription Drug Assistance Funds.
S	1652	District 20/20A Assistant District Attorneys/Forensic Scientist Funds.
S	1654	Funds for Healthy Start Foundation.
S	1655	Funds for Foster Care Services.
S	1656	Temporary Assistance to Needy Families Funds/Domestic Violence Prevention & Education Services.
S	1658	Psychiatric Hospital Funds.
S	1660	District 19A Assistant District Attorneys Funds.
S	1661	Nash Community Colleges Asphalt Driving Training Site Funds.
S	1662	Rocky Mount Children's Museum Funds.
S	1663	Clay County Buildings/Contracts.
S	1667	N.C. Arts Council Funds.
S	1668	One NC Small Business Program/Funds.
S	1669	Funds for Inventory of State Infrastructure.
S	1671	Science Museums of Wilson Funds.
S	1672	Restore Discretionary Cuts in Schools.
S	1674	Funds for Belhaven Harbor.
S	1675	Funds for Seafood Industry Development.
S	1676	Aquarium Operations and Construction.
S	1679	Western Piedmont Community College Building Funds.
S	1680	Guardian Ad Litem Funds.
S	1681	Establish High-Risk Pool.
S	1682	Funds for Expansion of the Veterinary School at NCSU.
S	1683	Funds for a Local Festivals Grant Program.
S	1684	Funds for Graveyard of the Atlantic Museum.
S	1685	Eastern N. C. Workforce Training Funds.
S	1687	District 14 Judges/Funds.
S	1689	Fayetteville Infrastructure Funds.
S	1690	Small Business Contractor Funds/Sunset.

APPROPRIATIONS/BASE BUDGET (continued)

S	1691	Museum of the Cape Fear Funds.
S	1695	Stoneleaf Festival Funds.
S	1696	Corolla Lighthouse Employee Salaries.
S	1697	Healthy Carolinians Funds.
S	1698	Funds for Psychology Internships/Department of Health & Human Services.
S	1700	Autism Society Funds.
S	1701	Richmond Community College Scotland Center Project.
S	1702	Funds for Amyotrophic Lateral Sclerosis Patient Services.
S	1703	Funds for TEACCH.
S	1704	Defibrillator Purchase & Distribution Funds.
S	1705	Cape Fear River Trail Funds.
S	1706	Funds for Spouse-to-Teacher Program.
S	1707	College of Albemarle Funds.
S	1708	Council of Government Funds.
S	1709	Soil/Water Supervisors' Travel Funds.
S	1710	Funds for the College of the Albemarle.
S	1711	Funds for Central Carolina Community College Building.
S	1712	District 15B Judge/Assistant District Attorney Funds.
S	1713	Scholarship Funds for Juveniles.
S	1714	Funds for the Pembroke Rescue Squad.
S	1715	Funds for the Pembroke Recreation Center.
S	1716	Renovation of Chancellor's Residence/UNC-Pembroke.
S	1717	Funds for Parkton Historical Foundation.
S	1718	Shellfish Industry Enhancements.
S	1719	Rotary Planetarium & Science Center Funds.
S	1720	Funds for Stanly Community College.
S	1721	Funds for Health Planning.
S	1722	UNC Nursing & Health Care Funds.
S	1723	Domestic Violence Center Funds/Scotland Co .
S	1724	Bonus for Math & Science Teachers/Pilot Program
S	1725	Raise for Nationally Certified School Psychologists.
S	1726	NC Institute of Medicine/Membership/Funds.
S	1727	Wilson Master Plan Funds.
S	1728	Funds for Summer Theater Program.
S	1729	UNC/Teaching & K-12 Education Funds.
S	1735	NCCU Immigration Law Clinic.
S	1739	School of Arts Environmental Cleanup Funds.
S	1740	2006 Governor's Budget.
S	1742	Accessible Electronic Information.
S	1747	District 15B Judge/Assistant District Attorney Funds.

APPROPRIATIONS/BASE BUDGET (continued)

S	1751	Transportation Corridor Study Funds.
S	1752	Public Campaign Funds.
S	1753	District 14 Judge/Assistant District Attorney Funds.
S	1758	Catawba Valley Salt Block Funds.
S	1759	4-H Camps & Conference Centers Funds.
S	1760	Prescription Drug Management Svces.
S	1761	NC PTA Funds.
S	1762	American Judicature Society Funds.
S	1763	UNCG/A&T Joint Millennium Campus.
S	1766	Funds for Special Olympics NC.
S	1768	Local Government Reimbursements.
S	1769	Funds for Developmental Disability Services.
S	1772	UNC Capital Needs/Funds.
S	1775	Funds for Workforce Preparedness/Watauga County.
S	1776	Lenoir Council on Aging Funds.
S	1777	Ammonia Refrigeration Program/Sampson Community College.
S	1778	Funds for Family House at UNC Hospitals.
S	1780	KidSenses Children's Museum Funds.
S	1781	County Boundary Program Funds.
S	1782	Cleveland County Public Funds.
S	1783	Cleveland and Isothermal Community College Funds.
S	1784	American Legion Baseball World Series Funds.
S	1785	UNC-Wilmington Teacher Pilot Program Funds.
S	1790	North Carolina 4-H Funds.
S	1791	Preservation North Carolina Funds.
S	1794	State Health Plan/Ocean Isle Beach/Sunset Beach.
S	1795	Charter Schools May Receive Lottery Proceeds.
S	1797	District 20B ADA Funds.
S	1798	Carolina Theatre/Spruce Pine Funds.
S	1799	McDowell Rescue Squad Funds.
S	1800	Haywood Community College Funds.
S	1801	Funds for Air-Conditioning/Haywood Schools.
S	1802	District 29B Judge/ADA Funds.
S	1803	Restore Career & Technical Education Position.
S	1805	ECU & UNC-CH Dental School Funds.
S	1806	Greenville Theater Restoration Funds.
S	1807	District 8 Assistant District Attorney/Victim Witness Assistants Funds.
S	1811	Triangle Urban League.
S	1812	Girl Scouts Leadership Center Funds.
S	1813	Burning Coal Theatre Funds.
S	1814	Office of Lt. Governor Senior Research Position Funds.

APPROPRIATIONS/BASE BUDGET (continued)

S	1815	Yancey Senior Center Funds.
S	1816	Funds to Honor Wright Brother's Achievements.
S	1817	Funds/Martin County Health Task Force.
S	1818	Albemarle Rivers Habitat Study Funds.
S	1820	CDC Funds.
S	1821	Funds for Stormwater Project.
S	1822	Washington County Visitors Center.
S	1823	Senator Bob Martin Eastern Agricultural Center Funds.
S	1824	ECU Auditory Learning Center Funds.
S	1825	Greenville Theater Restoration Funds.
S	1829	Funds for Local Drug Treatment Court Services.
S	1830	Community Mediation Center Funding.
S	1831	Pretrial Services Program Funds.
S	1834	Carpooling Incentives for State Employees.
S	1836	Funds for the Center for Diversity.
S	1837	Oteen Center Renovation Funds.
S	1838	Western NC Ag Center Funds.
S	1839	Smoking Restriction Law/Community Colleges Exemptions.
S	1842	C. W. Williams Health Center Funds.
S	1843	Urban League of Central NC Funds.
S	1846	Veterans Affairs Nursing Homes Funds.
S	1847	Smart Start Funds.
S	1848	Oyster Rehabilitation Pier Funds.
S	1849	Archdale-Trinity YMCA Funds.
S	1850	Funds for Assistant Principals.
S	1851	Edneyville Park Funds.
S	1859	Public Safety Training Center Funds.
S	1860	Funds for Project Enlightenment in Wake County.
S	1861	Mandatory Cost-of-Living Increases/Retirees.
S	1863	Funds to Increase Medicaid Dental Rates.
S	1867	Funds for Marketing Association Rehabilitation.
S	1876	50th Senatorial District Local Act-9.
S	1878	Yancey Public Library Funds.
S	1879	Sandyfield Multipurpose Center Funds.
S	1880	Towncreek Vision Corporation Funds.
S	1881	Bellamy Mansion Funds.
S	1885	Short Line RR Matching Grant Funds.
S	1888	North Carolina Transportation Museum Funds.
S	1890	Funds for Cornerstone Center, Inc.
S	1895	Rhema Educational Services Funds.
S	1897	Weldon-Halifax Community Center Funds.
S	1898	Northampton County Wellness Cultural Center Funds.

APPROPRIATIONS/BASE BUDGET (continued)

S	1899	Gates High School Roof Funds.
S	1900	Families Supporting Families Funds.
S	1901	Vann Community Resource Center Funds.
S	1902	Newbold-White House Funds.
S	1904	Halifax Theme Park Funds.
S	1908	Lenoir County Arts Funds.
S	1909	Agribusiness Awareness & Education Funds.
S	1910	Appalachian State/Allied Health & Nursing.
S	1911	ASU/College of Education Live & Learn Academic Building.
S	1915	Castle Doctrine for NC.
S	1916	Accelerated Yadkin River Bridge Replacement.
S	1917	Fort Branch Funds.
S	1918	FFA Center Funds.
S	1919	Martin County Historical Society Funds.
S	1920	Pitt/Martin Industrial Park Funds.
S	1921	Robersonville Library Funds.
S	1922	Martin Community College Storm Drainage Funds.
S	1923	Eastern Science Center Funds.
S	1924	Martin Telecenter Funds.
S	1929	Trenton Sewer Funds.
S	1930	NC Advancement Via Individual Determination Funds.
S	1931	AHEC Capital Funds.
S	1932	Nash Arts Center Funds.
S	1934	NC Live Virtual Library Project Funds.
S	1935	James Sprunt Community College Funds.
S	1936	Funds for "Beginnings".
S	1937	Add Steps to Teacher Salary Schedule.
S	1938	Bear Grass Fire Dept. Funds.
S	1939	Martin Boys & Girls Clubs Funds.
S	1940	Bethel Library Funds.
S	1941	Martin Courthouse Restoration Funds.
S	1942	Martin Arts Council Funds.
S	1943	WOW e-CDC Funds.
S	1944	Edgecombe Business Incubator Funds.
S	1945	Martin Youth Funds.
S	1949	Land Loss Prevention Project/Funds.
S	1950	Promote Historically Underutilized Businesses/Supplier Diversity/Funds.
S	1951	Community Development Funds.
S	1952	Raleigh Senior Center Funds.
S	1953	First Flight Venture Funds.
S	1954	Prairie Ridge Ecostation Funds.
S	1957	Surf City Beach Renourishment.

APPROPRIATIONS/BASE BUDGET (continued)

S	1958	Blue Ridge Community College-Transylvania Center Funds.
S	1960	Funds for Community Action Agencies.
S	1961	Special Assistance In-Home Assignments.
S	1962	Funds for Home-Health Provider Reimbursement.
S	1963	Funds for Developmental Disability Services.
S	1965	Healthy NC.
S	1967	Employment Security/Funds.
S	1968	Funds/Community-Based Planning/Western Highlands.
S	1969	Health Adventure Funds.
S	1970	Juvenile Crime Prevention Council Funds.
S	1972	Funds for Inflationary Increases-CAPDA.
S	1973	Exploris Museum Funds.
S	1974	Funds for Social Services Consortium.
S	1975	CAARE, Inc., Funds.
S	1981	Local Government Reimbursements.
S	1982	Applications for Public Assistance/English.
S	1983	Election Security Act.
S	1984	Leaking Underground Storage Tank Funds.
S	1985	Deputy Sheriffs' Employment Protection/Funds.
S	1986	Western NC Clusters of Innovation Funds.
S	1987	Adolescent Pregnancy Prevention Funds.
S	1988	Funds/Chronic Disease Task Force.
S	1989	Wilson Residential Services Funds.
S	1992	Agricultural Curriculum Development Coordinator Funds.
S	1993	Friends of Agriculture and FFA Funds.
S	1994	Eastern Film Festival Funds.
S	1995	Farmville Community Arts Council Funds.
S	1996	Edgecombe Development Center Funds.
S	1997	Edgecombe Sheriff Funds.
S	1998	Modify Distribution of School Capital Funds.
S	2001	Teacher Housing Pilot Project.
S	2003	Funds for Air-Conditioning/Avery County Schools.
S	2004	Madison County Jail Funds.
S	2005	Cooperative Extension Building Equipment Funds.
S	2008	Silk Hope Community Center Funds.
S	2015	DNA Sample/Felony Arrest.
S	2016	Brody School of Med./Cancer Detection Funds.
S	2017	Campbell Folk School Funds.
S	2020	Legislators' Compensation Changes.
S	2022	Piedmont Community College Capital Funds.
S	2023	Sales and Training Center Job Training Funds.
S	2024	Interstate 95 Development Plan.

APPROPRIATIONS/BASE BUDGET (continued)

S	2025	Funds for Haywood Community College.
S	2027	Edgecombe County Youth Funds.
S	2028	Edgecombe Military Museum Funds.
S	2029	Nash/Edgecombe Boys & Girls Funds.
S	2032	Blount Street Project Funds.
S	2037	Community College Low-Wealth Funding.
S	2038	Defense and Security Technology Accelerator.
S	2039	Funds for TEACCH.
S	2041	NC Director of Motorsports Development.
S	2042	Motorsports Specialized Training Center.
S	2044	Medicaid Drug Reimbursement Changes.
S	2045	Biotech Campus Accessibility Funds.
S	2046	Tri-County Community College/Graham County Center Funds.
S	2047	Sex Offender Watch Initiative/DOJ Funds.
S	2048	Funds/Conserve Rutherford & Hyde County Land.
S	2052	Funds for Land Purchase/Henderson City.

COMMERCE

H	1291	Amend CPA Criminal Punishment.
S	9	Economic Development Horse Race.
S	44	Health Care Liability Claims.
S	196	Amend Tobacco Reserve Fund - 1.
S	255	Finance Law Changes 1.
S	346	Miscellaneous Changes/Manufacturing Home Laws.
S	384	NC Energy Policy Rewrite.
S	445	Insurance Premium Discount/Prevention Course.
S	476	Regulate Sale of Malt Beverage Kegs.
S	534	High Risk Insurance Pool.
S	547	Amend Certain Land Surveyor Licensure Requirements.
S	576	Producer Compensation Transparency and Broker Duty.-AB
S	578	Interstate Insurance Product Regulation Compact.-AB
S	579	Credit Insurance Changes.-AB
S	580	Insurance Financial Changes.-AB
S	584	NCSU Dairy Sales.-AB
S	598	Commercial Drivers License Changes.-AB
S	601	Amend House Mover Laws.-AB
S	620	Perpetual Care Fund Changes.
S	621	Reduce Holding Period for Unclaimed Property.-AB
S	625	Improve Managed Care Statutes.-AB
S	627	Improve Health Insurance Underwriting.-AB
S	647	Clarify Motor Vehicle Dealer Franchise Laws.
S	656	Motor Vehicle Dealer Technical Corrections.-AB

COMMERCE (continued)

- S 715 License Insurance Statistical Organizations.-AB
- S 718 Modular Home Sales/Installation Requirements.
- S 721 Workers' Compensation/Self-Insured Guaranty Association.
- S 727 Confidential Insurance Market/Insurance Document.
- S 730 Clarify Motor Vehicle Definitions and Remedies.
- S 735 Amend Definition of Malt Beverage in ABC Law.
- S 739 Health Insurance Market/Small Businesses.
- S 743 UNC Construction Specifications.-AB
- S 758 UNC/Amend Umstead Act.
- S 764 Health Insurance/Assignment of Benefits.
- S 787 Continuing Education of Mortgage Brokers.
- S 794 Vacation Rental Act Amendments.
- S 795 Installing Motor Vehicle Parts and Air Bags.
- S 823 Insurance Discount for Safe Driving Class.
- S 833 Protect Consumers/Ads for Lodging.
- S 848 Accident & Health Insurance/Rate Stabilization.
- S 863 Loss of Workers' Compensation for Fraud.
- S 864 Workers' Compensation/Injury to Extremities.
- S 865 Workers' Compensation/Employee Work Incentive.
- S 866 Increase Cap on Loss of Workers' Organ.
- S 922 Small Business Friendly Regulation.
- S 923 Labor/Mandatory Lunch Break.
- S 924 Eliminate Unemployment Waiting Period.
- S 937 Design/Build/Operate Contract Sludge Management.
- S 947 Regulate Deferred Deposits.
- S 952 Motor Vehicle Repair Consumer Protection.
- S 962 Migrant Worker Housing Act.
- S 969 Amend Workers' Compensation Act -3.
- S 979 Better Insurance/Annuity Disclosure.
- S 984 Amend Workers' Compensation Act.
- S 986 Motor Fuel Marketing Act.
- S 1008 911 Centers Fund Access.
- S 1043 Workers' Compensation/Agriculture Workers.
- S 1055 Glass Technicians Licensure.
- S 1056 Licensure/Motor Vehicle Repair Shops/Collision Repair.
- S 1082 Health Benefits for Disabled Local Law Enforcement Officers.
- S 1100 Mental Health Parity.
- S 1112 Amend Workers' Compensation Act -2.
- S 1116 Amend Tobacco Reserve/Ban Flavored Cigarettes.
- S 1120 Improve Real Estate Licensing Law.
- S 1138 Motor Vehicle Glass Repairs.
- S 1140 Competitive Bidding on Leased Office Space.

COMMERCE (continued)

S	1141	No Comprehensive Deductible on Windshields.
S	1151	Amend Workers' Compensation Act -1.
S	1160	Motor Vehicle Protection Products.
S	1175	Robert Koger Utilities Commission.
S	1380	DOT General Contractor License Exceptions.
S	1384	DOT Performance-Based Maintenance Contract Bonds.
S	1489	Energy Emergencies Preparedness.
S	1599	Exempt Certain Greenhouses from Building Code.
S	1828	Allowable Loads in Agricultural Transporting.

EDUCATION/HIGHER EDUCATION

H	16	School Curriculum Shall Include Financial Literacy.
H	387	Social Security Number Cannot Be Student ID Number.
H	535	Teachers Convert Personal Leave to Sick Leave.
H	550	State Board of Education /Community College/ Rulemaking.
H	637	Salary Supplement/Certain Education Programs.
H	683	Instruction/Information to Protect Newborn
H	833	Additional Standards for Community College Admission.
H	1230	Local Government Obsolete Property Donations.
H	1264	Board Certified Teachers Serve as School Leaders.
H	1342	Special Diplomas for War Veterans.
S	181	Reciprocity for Teachers From Other States.
S	212	Counties May Provide Funds to Charter Schools.
S	213	Remove Cap on Number of Charter Schools.
S	345	Teacher Credit for Excess Personal Leave.
S	409	Raise Standards for Nursing Students.
S	439	Raise Compulsory School Attendance Age.
S	484	Community Colleges May Train Lateral Entry Teachers.
S	487	Flag/Pledge of Allegiance in Schools.
S	490	Charter Schools Managed Growth Act.
S	556	Planning Time & Duty-Free Lunch for Teachers.
S	557	Decrease Teachers' Cost for Personal Leave.
S	642	Mandatory Education for Inmates.
S	653	Middle School Students Get High School Credit.
S	702	Raise Compulsory School Attendance Age.
S	728	Salary of School Nurse w/Development Disability Certification.
S	749	UNC Professors Endowment Fund.
S	789	No Preapproval/UNC Consultant Contracts.-AB
S	799	Trade Jobs For Success Reporting.

EDUCATION/HIGHER EDUCATION (continued)

S	854	Teacher Recruitment & Retention Incentives.
S	872	Need-Based Nursing Scholarships.
S	886	Classroom Experience for School Personnel.
S	906	Placing Students in Seclusion.
S	941	Flag, Pledge, and Symbols Taught in Schools.
S	956	Reduced Tuition/UNC Employees.
S	957	Establish Private, Nonprofit Corps.
S	987	K-8 Testing Reform Act of 2005.
S	995	Assess Administrative Needs/Education System.
S	1005	Education Standards/Vocational Rehabilitation Professionals.
S	1051	Additional Teacher Scholarship Loans.
S	1060	Student Education Elections.
S	1076	Scholar Student/NC Resident.
S	1136	Textbooks Selected at the Local Level.
S	1139	Academic Bill of Rights.
S	1341	Add Wesleyan College to UNC System/Study.
S	1477	Science/Math Teacher Preparation Programs.
S	1608	No In-State Tuition If Unlawfully In US.

FINANCE

H	449	Gift Tax Changes.
H	723	UNC/Criminal Record Checks/Fee.-AB
H	756	Chatham, Lee, Franklin, & Vance Local Taxes.
H	864	Mayo River State Park Condemnation.
H	876	Haywood County Sales Tax.
H	947	Local Tax for Public Schools/Community Colleges-II.
H	990	Definition of Farmer for Sales and Use Tax.
H	1000	Greene Deeds/Property Tax Certification.
H	1037	Increase Wrightsville Beach Motor Vehicle Tax.
H	1050	Local Tax for Public Schools & Community College
H	1196	Reduce Wholesale Drug Distributor License Fee.
H	1473	Clawback Failed Incentives.
H	1993	Various Special License Plates
H	2048	Expansion of Royalty Reporting Option.
H	2181	Revise Capital Improvement Plan.
H	2551	Exemption for Baler Twine from Sales Tax.
H	2638	Dobson Satellite Annexations.
H	2818	Sales Tax on Off-Road Vehicles.
S	37	Reenact Long-Term Care Insurance Tax Credit.
S	73	NC Wildlife Habitat Foundation Special Plate.
S	80	West Jefferson Occupancy Tax.
S	83	Alcohol and Drug Education Traffic School/ Fee/Qualifications Increase.
S	101	Sweepers Motor Fuel Tax Refund.

FINANCE (continued)

S	117	Medicaid Reform Study/County Share Phase Out.
S	122	Long-Term Care Insurance Tax Credit.
S	126	Marine Corps League Registration Plate.
S	145	Streamlined Sales Tax Changes.
S	146	IRC Update.
S	153	GARVEE Bond Issuance.
S	159	Revenue Laws Technical Changes.
S	172	Corporate Income Tax Exemption.
S	190	Income Tax Credit - Energy Efficient Homes.
S	193	NC Bridge and Toll Road Authority.
S	201	City of Belmont Occupancy Tax.
S	202	13th Senatorial District Local Act-1.
S	204	Holly Springs Eminent Domain.
S	214	Increase Cigarette Excise Tax by 75 Cents.
S	246	50th Senatorial District Local Act-4.
S	270	Cary Charter Rewrite.
S	291	Amend Taxation of Construction Machinery.
S	301	Mount Pleasant Charter Revisal.
S	303	16th Senatorial District Local Act-1.
S	322	Sales Tax Exemption for Schools.
S	342	Lease Purchase for School Warehouse.
S	344	2005 Economic Growth and Tax Relief Act.
S	352	Mill Rehabilitation Tax Credit.
S	358	Rockingham Local Act-2.
S	361	Town of Black Mountain Local Act.
S	363	Transylvania Occupancy Tax.
S	364	Small Business Health Insurance Credit.
S	370	7th Senatorial District Local Act-2.
S	390	Belmont Street Lighting Assessments.
S	405	Wildlife Conservation Present-Use Value.
S	418	Taxpayers' Bill Of Rights for NC.
S	425	Cary Reimbursement.
S	429	Shag Dancing Special Registration Plate.
S	436	Durham County Local Act-1.
S	440	Alexander Local Sales Tax.
S	458	Lee Local Sales Tax.
S	460	Kannapolis Satellite Annexations.
S	468	Crime Lab Cost Recovery Fee.
S	473	Onslow Deed Recording.
S	475	Greenville Satellite Annexations.
S	481	Cumberland County Occupancy Tax.
S	493	Guilford Battleground Special Plate.
S	508	Exempt Builders' Inventory.
S	511	Spay/Neuter Funding.
S	514	Earned Income Tax Credit.

FINANCE (continued)

S	520	Court Fee Changes.
S	521	Tax Credit for Certain Real Property Donations.
S	535	Historic Rehabilitation Certification Changes.
S	541	Update Corporate Tax Apportionment Formula.
S	545	Teacher Tax Credit.
S	546	Income Tax - Exempt Certain Military Income.
S	559	Expunction/Convictions of Nonviolent Crimes.
S	561	Income Tax Credit for Public School Teachers.
S	587	Waive One-Third Military Base Gas Tax.
S	589	Registers of Deeds/Tax Certification.
S	605	Contract Agent Fees.
S	614	Insurance Company Fee Consolidation.
S	639	Friends of NC Natural Sciences Museum Plates.
S	643	Tax Refund Donation for Prostate Cancer.
S	645	Code-Enforcement Official Exam Fees.
S	649	Annexations/Mandatory Water/Sewer Hookup.
S	659	SCUBA Special Registration Plate.
S	668	Uniform Tax Refund Procedure.
S	670	Special Obligation Bonds for UNC.-AB
S	684	Advanced Vehicle Research Center Incentive.
S	712	Extend Sunset on Worker Training Funds.
S	719	Tax Credit for Sustaining NC Economy.
S	720	Manufactured Housing License Amendments.
S	722	Income Tax - Military/National Guard Exempt.
S	773	Regional Councils of Government.
S	813	Cigarette Excise Tax/Master Settlement Agreement Payments.
S	817	Allow Personalized Dealer Plates.
S	820	Extend Bill Lee in Tiers 1-3.
S	822	Food Processing Distribution Center Credit.
S	836	Finance NC Museum of Art Expansion.
S	841	Transporter Plates.
S	842	Tax on Potting Soil.
S	847	Enact Vehicle Protection Product Act.
S	852	Homestead Property Tax Exemption Act.
S	860	Military Veterans-Free Special Registration Plate.
S	885	Reduce Tax/Cut Government Spending.
S	905	Founder's Stock Tax Incentives.
S	930	Railroad Incentives.
S	931	Raise Cigarette Tax for Medicaid.
S	934	Notary Public Act.-AB
S	938	Tax Credit for Organ Donation.
S	971	North Carolina Libraries Special Plate.
S	977	Conform Tax Filing Extensions.
S	994	Change Gas Tax Rates/Increase Tank Fees.

FINANCE (continued)

- S 1000 Agricultural Development Facility Tax Credit.
- S 1015 Alternative Fuel Vehicle Tax Credit.
- S 1017 Rural Enhancement & Sustainability Act.
- S 1022 Franchise Tax Penalties.
- S 1049 Business Growth and Investment Act of 2005.
- S 1078 Amend Unemployment Tax.
- S 1085 Promote Renewable Energy from Biomass
- S 1086 Finance Facility for Cherry Hospital.
- S 1089 Pitt County Local Option Sales Tax.
- S 1099 Sales Tax on Research and Development Equipment.
- S 1104 Modify Auto Repair Sales Tax.
- S 1114 Enhance Local Governments Administration of
Environmental Programs.
- S 1150 Renewable Fuels Motor Fuels Tax Exemption.
- S 1201 Cap Variable Rate/Gasoline Excise Tax.
- S 1202 Earlier Detection...A New Direction Plate.
- S 1211 Blaire Thompson Drug Dealer Liability Act.
- S 1224 Lab Testing Equipment Sales Tax Refund.
- S 1259 Parental Savings Trust Fund Tax Deduction.
- S 1264 Harnett County/Recreational Facilities.
- S 1268 Gates Land Transfer Tax.
- S 1281 Clean Water Bond Act of 2006.
- S 1284 Law Enforcement Use of All Terrain Vehicles.
- S 1326 Reinstate LEA Sales Tax Refund.
- S 1335 Regulation of Golf Carts in Tabor City.
- S 1364 Income Tax - Exempt Certain Military Income.
- S 1374 School Supplement Tax.
- S 1376 Mt. Pleasant Deannexation.
- S 1393 Expand Homestead Exemption Via Tax Credit.
- S 1395 Gaston County Tax for School Construction.
- S 1418 School Bus Drivers Commercial Drivers License
Fees.
- S 1429 Navassa Boundary.
- S 1434 Shallotte Annexation.
- S 1447 Cap Gas Tax Variable Rate.
- S 1452 Property Tax Changes.
- S 1453 Revenue Laws Technical & Motor Fuel Tax
Changes.
- S 1456 Rewarding Work Tax Credit.
- S 1459 Phase Out Tax Increases & Raise Minimum Wage.
- S 1466 Level Field for Baked Goods at Two Percent
Sales Tax.
- S 1483 Technical Changes/Agency Fees.
- S 1498 Eliminate Upper Income Tax Bracket.
- S 1499 Repeal Estate and Gift Taxes.

FINANCE (continued)

S	1510	SSTA Sales Tax Definitions/Sales Tax Payments.
S	1541	Tabor City Subdivisions.
S	1550	Taxpayer and Citizen Protection Act.
S	1553	Bill Lee Changes.
S	1559	Video Service Competition Act.
S	1573	Iredell County Tax for School Construction.
S	1574	Lincoln County Tax for School Construction.
S	1576	Motor Fuel Tax Initiatives.
S	1581	Motor Fuel Tax Initiatives.
S	1595	Radiation Protection Program Fee Amendments.
S	1610	Sales Tax Expiration Modification.
S	1630	Raise Homestead Limits.
S	1642	Tryon Palace Indebtedness.
S	1657	Psychiatric Hospital Special Indebtedness.
S	1670	Special Plate for Retired Piedmont Employees.
S	1686	Durham County Occupancy Tax Modification.
S	1693	Utilities/Insurance Regulatory Fees.
S	1736	Gold Star Special Plate.
S	1737	Tax on Lottery Winnings/Community College Equipment.
S	1750	Johnston County Local Act.
S	1764	Exempt Recycled Vegetable Oil - Motor Fuels.
S	1765	Sales Tax for School Construction Projects.
S	1770	Sales Tax Exemption for Local School Units.
S	1771	Raise Minimum Wage/Reduce Corporate Tax Rate.
S	1773	Special Plate Kappa Alpha Psi Fraternity.
S	1779	Income Tax - Title 32 National Guard Exempt.
S	1789	Manufacturers Energy Tax Exemptions.
S	1796	Sales Tax Expiration Modification.
S	1808	Exempt Gold, Silver, Platinum From Sales Tax.
S	1835	Asheville Franchise Tax Amendment.
S	1854	County Funding for Charter Schools.
S	1855	Tax on Lottery Winnings/Teacher Stipend.
S	1886	NC Ports Authority Funds.
S	1889	Work Opportunity Tax Credit.
S	1891	Homestead Property Tax Deferral.
S	1893	Clarify Motor Vehicle Tax Collections.
S	1894	Modular Home Sales Tax Rebate.
S	1906	Raise Minimum Wage/Earned Income Tax Credit.
S	1907	Land and Water Conservation Bond Act of 2006.
S	1914	Ahoskie/Chowan Occupancy Tax.
S	1926	Private Capital Facilities Finance Act Change.
S	1927	Clayton/Princeton Satellite Annexations.
S	1955	Motorsports Incentives.
S	1966	Sales Tax on Modular Homes.

FINANCE (continued)

S	1980	Income Tax Rebate.
S	1999	Adjust Individual Income Tax Brackets.
S	2006	Economic Development Program Modifications.
S	2021	Conform Personal Exemption and Standard Deduction to IRC.
S	2030	Increase Consumer Finance Fees.
S	2034	Registration Plates.
S	2035	Alcoholic Beverage Sales/UNC Golf Courses.
S	2053	UNC/Modify Bond & Special Indebtedness Projects.
S	2054	Reimburse Trust Funds/Rebate.
S	2056	Safe Drinking Water/Private Wells.

HEALTH CARE

H	1077	Birth Certificate/Stillborn Infants.
H	1194	Physical Therapists/Professional Corporations.
H	1895	Establish High-Risk Pool.
H	2052	Review of NC Institutional Bias Report.
H	2054	Adult Day Awareness/Status of Study Recom.
H	2059	LTC Fines Posted on Internet.
S	36	Adult Protective Services Task Force/Collaborate.
S	40	Falsify Information/Adult Care Home License/Penalty.
S	118	Medicaid Case Management/Prescription Drugs.
S	391	Hospital-Acquired Infection Rates.
S	394	Authorize Licensure/Anesthesiologist Assistants.
S	502	Amend Star-Rated License for Child Care Facilities.
S	549	Abortion-Woman's Right to Know.
S	581	Prescription Management Program.
S	650	Clinical Trial Results Published.
S	662	Medication Administration/Unlicensed Personnel.
S	663	Asthma Medication/Student Self-Administration.
S	673	Jobs for All Act.
S	680	Disapproval of Certain Rules.
S	768	NC Health Choice/Control Utilization & Cost.
S	830	Hemophilia Drugs/Remove Sunset on Prior Authorization.
S	877	Amend Laws/Practice of Medicine/Increase Certain Fees.
S	942	Establish Child Assessment Responses.
S	1009	Amend Electrolysis Practice Act/Fees.
S	1020	Restaurants/Provide Information on Use of Peanuts.
S	1025	Naturopathic Physicians Registration Act.
S	1028	Strengthen Laws/Compounding/Administering Drug.
S	1040	Prohibit Human Cloning.
S	1092	NC Medical Board Membership Reforms/Reports.

HEALTH CARE (continued)

S	1128	Medicaid: No Preauthorization for Certain Drugs.
S	1153	State of the Child Annual Report.
S	1274	Long-Term Care Fines Posted on Internet.
S	1288	Phase Out Medicaid County Share.
S	1394	Repeal Community College Massage Program Exempt/Study.
S	1529	Strengthen Legislative Oversight Committee Oversight Role.
S	1530	Strengthen State Mental Health/Developmental Disabilities/Substance Abuse Reform.
S	1531	Strengthen Local Management Entities (LMEs).
S	1956	Medicaid Drug Reimbursement Changes.

JUDICIARY I

H	20	Health Insurance Credit/Minimum Wage.
H	629	Option to Freeze Credit Report.
H	725	Real Estate Resale Dealers.-AB
H	826	Ansonville Weeded Lot Ordinance.
H	1101	Prompt Release of Election Results.
H	1146	Foreclosure Reform.
H	1415	Report Denial of Some Pistol Permits.
H	1844	Executive Branch Ethics Act - 1.
H	1871	Sex Offender/Out of State Registry/DMV Check.
H	2035	OAH Hearing Facilities.
H	2043	2006 Technical Corrections Act.
H	2076	Juvenile Code Changes.
H	2881	Identity Theft.
S	6	Ban Video Poker/All But Reservations.
S	18	Presidential Primary in February.
S	19	Annexation Referendum.
S	35	Modify Red Light Camera Authorization.
S	61	Felony Death by Vehicle/Sex Offender Amendment.
S	125	Amend Sex Offender Registration.
S	130	Currituck/Mecklenburg Property Conveyance.
S	157	Interest on Highway Condemnation Awards.
S	160	Limit Over-the-Counter Drug Purchases.
S	200	Fetal Murder.
S	224	Recasting Lost Votes.
S	225	Any-Precinct Voting Pilot.
S	227	Public Employee Poll Workers.
S	302	Transit Drug Testing.
S	307	Fayetteville Annexation Referendum.
S	355	Federal Jurisdiction.
S	389	Limit Liability for Agritourism Activities.
S	395	Grandparents Visitation/Louise's Law.

JUDICIARY I (continued)

S	397	Personal Watercraft Changes.
S	419	Increased Security For Drivers Licenses.
S	524	Clarify Jurisdiction.
S	526	Deter Juvenile Auto Larceny.
S	539	Public Campaign Fund Amendments.
S	558	Overseas Runoff Absentee Ballots.
S	564	Drug Treatment Court/Drug Alcohol Recovery Treatment Referral.
S	575	Business Court Cases/Fee.
S	610	High Occupancy Vehicle Lane Penalties.-AB
S	693	Jurors May Not Profit From Service.
S	726	Park Condemnation.
S	738	DWI Sentencing Enforcement.
S	742	Lt. Governor/Secretary of State Conforming Changes.
S	745	Amend Investigative Grand Jury Authority.
S	746	Take DNA Sample On Arrest for Certain Crimes.
S	783	Report Hacker/Fraudulent Access to ID Data.
S	784	First Amendment Rights.
S	791	Health Care Provider Solicitation.
S	792	Clarify Public Records Laws.
S	793	Government Agencies Limit Release of Social Security Numbers.
S	812	Motions to Compel Depositions/Evidence.
S	853	Death by Distribution of Drugs.
S	904	Small Installment Consumer Loans - 1.
S	913	Recovery Fee/Abandoned Manufactured Homes.
S	917	Personal Representative/Selling Real Property.
S	918	Sportsman's Bill of Rights.
S	921	Consumer Credit Protection Act.
S	926	Election Administration Amendments.
S	928	Jury Exhibits/Criminal Trials.
S	935	No Social Security Number on Health ID Cards.
S	953	Repeal Felony Murder Rule.
S	954	Same Day Registration at One-Stop Sites.
S	976	Taxpayer and Citizen Protection Act.
S	1016	Extend Age Cutoff/Child Support.
S	1042	Voter-Owned Elections.
S	1044	Undertaking to Stay Money Judgment.
S	1045	Establish NC Innocence Inquiry Commission.
S	1066	Clarify Sex Offender Registry.
S	1069	DWI Task Force Recommendations.
S	1070	Balance Fair Sentencing/Structured Sentencing.
S	1098	No Third Party Release of Social Security Numbers.
S	1106	Campaign Finance Amendments.

JUDICIARY I (continued)

S	1135	Notarized Consent for Minor's Abortion.
S	1137	Sport Shooting Range Protection.
S	1383	DOT Contract Provision Changes.
S	1484	Office of Administrative Hearings Facilities.
S	1596	Community Conservation Assistance Program.
S	1694	State Government Ethics Act.
S	1948	Reform Lobbying Laws.
S	1976	Reform Governmental Ethics.
S	1990	Divide Superior Court District 13.
S	2033	Medicaid Fraud/Private Civil Actions.
S	2040	Medicaid Fraud/Increase Penalty/Subpoena.

JUDICIARY II

H	716	Study Employee Mediation/Office of Administrative Hearings Time Frame.
H	877	Foreclosure Notice of Sale/Disposition of Proceeds.
H	1467	Attorneys' Fees/Transfers to Minors.
H	1489	Indecent Exposure/Increase Penalty.
H	1515	Medical Schools/Criminal Background Check.
H	1516	False Certification an Unfair and Deceptive Act.
S	5	Strengthening Integrity of Drivers Licenses.
S	68	Appointment/Reappointment of Magistrates.
S	102	No Cell Phone Usage by Under 18 Drivers.
S	104	DWI-Zero Alcohol When Transporting Child.
S	209	Post-Adoption Privileges.
S	242	2005 Technical Corrections Act.
S	477	Master Keys/Lock-Picking Devices Regulated.
S	485	Hate Crimes/Matthew Shepard.
S	560	Amend Certain Criminal Offenses.
S	588	Expunge White-Collar Criminal Convictions.
S	591	False Report/Destructive Device.
S	688	Indigent Defense of Parents During Appeals.
S	775	Child Support Reforms.
S	785	Prohibit Removal of Electronic Collars.
S	805	Clerks May Order Mediation.
S	809	Foreclosure Notice of Sale/Disposition of Proceeds.
S	810	Conference of Clerks of Superior Court.
S	834	Administration of Lethal Injection.
S	933	Immunity/Certain Public Officers/Individuals.
S	939	Deter Juvenile Escapes.
S	940	Final Substantiation Appeal Process.
S	963	Partition Sales of Real Property.
S	966	Definite Release Dates for Inmates.
S	1003	Adoption/Criminal Checks/Prospective Families.
S	1004	State Personnel/Discrimination.

JUDICIARY II (continued)

S	1031	Additional Condemnation Authority.
S	1088	Medical Release for Ill and Disabled Inmates.
S	1142	Motor Vehicle Move-Over Law Changes.
S	1481	Victims' Compensation Changes.
S	1482	Juvenile Code Changes.
S	1554	Protection of Animals.
S	2000	Certificate of Merit/Civil Actions/Engineer/Architect.
S	2002	UNC Students/ Criminal Background Checks.

MENTAL HEALTH & YOUTH SERVICES

H	1087	Clarify Definition of Social Worker.
H	1551	Pre-Service Training Exemption/Certain CPS Workers.

PENSIONS & RETIREMENT AND AGING

H	23	Fire and Rescue Pension Election.
H	2439	Long-Term Disability Amendment.
S	31	Increase Fire and Rescue Squad Pension.
S	149	Law Officers' 25-Year Retirement.
S	229	District Court Judge Retirement Age.
S	326	Retired Nurses Return to Work.
S	570	Extend Sunset on Retired Teachers Provision.
S	638	Reciprocity/Optional Retirement System.
S	648	25-Year Retirement for First Responders.
S	710	Fire and Rescue Workers' Retirement.
S	723	NC National Guard Pension Changes.
S	910	Retirement Beneficiary Designation.
S	975	Retirement System COLAs.
S	980	Public Defenders/Judicial Retirement System.
S	1105	Retirement Systems Technical Corrections.
S	1286	Senior ADAs in Judicial Retirement System.
S	1346	Increase Fire and Rescue Pensions.
S	1537	Increase Maximum National Guard Pension.
S	1786	Charlotte Firefighters Retirement Changes.
S	1866	State Health Plan/Retiree Vesting.

RULES AND OPERATIONS OF THE SENATE

H	22	Zoning/Wilmington Permitted Uses.
H	92	UNC/BOG Student Member Vote.
H	140	Franklin 150th Anniversary.
H	252	Highway Patrol Anniversary.
H	511	Cornelius' 100th Anniversary.
H	1084	Expunge Nonviolent Felonies/Young Offenders.
H	1178	Honor Tar Heels.
H	1353	Muni Electric Service Customers/Lenior County.

RULES AND OPERATIONS OF THE SENATE (continued)

H	1610	Incorporate Rougemont
H	1786	Honor Town of Godwin.
H	1897	Honor WBT Briarhoppers.
H	1941	Bronze Star Special Plate Changes.
H	1951	Property Tax Due Date Change.
H	2146	Butner Public Safety/Law Enforcement Agencies and Assistance.
H	2515	Every Child Ready to Learn.
H	2643	Cherokee Tribal Court Convictions Recognized.
H	2759	Generic Drugs-Medicaid.
S	4	Access to NCGA Computer.
S	17	Greensboro Sit-In Movement/45th Anniversary.
S	20	Orange County Local Act.
S	21	Orange County Local Act-2.
S	22	Orange County Local Act-3.
S	23	Person County Local Act.
S	24	Person County Local Act-2.
S	25	Person County Local Act-3.
S	26	Gaston County Local Act-4.
S	27	Gaston County Local Act-5.
S	28	Gaston County Local Act-3.
S	29	Gaston County Local Act-2.
S	30	Gaston County Local Act-1.
S	46	Rowan County Local Act-1.
S	47	Adopt State Barbecue Festival.
S	48	Rowan County Local Act-2.
S	49	Davie County Local Act-1.
S	50	Davie County Local Act-2.
S	51	33rd Senatorial District Local Act-3.
S	52	33rd Senatorial District Local Act-2.
S	53	33rd Senatorial District Local Act-1.
S	58	29th Senatorial District Local Act-1.
S	59	29th Senatorial District Local Act-2.
S	60	29th Senatorial District Local Act-3.
S	63	25th Senatorial District Local Act-2.
S	64	25th Senatorial District Local Act-3.
S	65	25th Senatorial District Local Act-4.
S	69	Midway Incorporated.
S	74	Mecklenburg County Local Act-1.
S	75	Charlotte Local Act-2.
S	76	Mecklenburg County Local Act-2.
S	77	Mecklenburg County Local Act-3.
S	78	Charlotte Local Act-1.
S	79	Charlotte Local Act-3.
S	85	Brunswick County Local Act.

RULES AND OPERATIONS OF THE SENATE (continued)

S	86	Columbus County Local Act.
S	87	Pender County Local Act.
S	89	8th Senatorial District Local Act-2.
S	90	8th Senatorial District Local Act-3.
S	91	Wilkes County Local Act.
S	93	Alexander County Local Act.
S	94	Ashe County Local Act.
S	96	28th Senatorial District Local Act-2.
S	97	28th Senatorial District Local Act-3.
S	99	Public Laws - 1.
S	100	Public Laws - 2.
S	107	Catawba County Local Act-1.
S	108	Catawba County Local Act-2.
S	110	12th Senatorial District Local Act-1.
S	111	12th Senatorial District Local Act-2.
S	112	12th Senatorial District Local Act-3.
S	127	46th Senatorial District Local Act-1.
S	131	Wilson County Local Act-1.
S	132	Nash County Local Act-2.
S	136	6th Senatorial District Local Act-3.
S	137	6th Senatorial District Local Act-4.
S	141	22nd Senatorial District Local Act-1.
S	142	22nd Senatorial District Local Act-2.
S	143	22nd Senatorial District Local Act-3.
S	147	Establish Liberty Day.
S	151	3rd Senatorial District Local Act-1.
S	152	3rd Senatorial District Local Act-2.
S	163	Recognize Tribal Governments.
S	165	7th Senatorial District Local Act.
S	169	Honor Don Gibson & Earl Scruggs.
S	171	Academic Performance and Athletics Issues.
S	174	Forsyth County Local Act.
S	184	City of Roanoke Rapids Local Act.
S	195	Blank Appropriations Bill-2.
S	197	Blank Appropriations Bill-1.
S	207	Ashe County Local Act.
S	215	Asheville Water Authority.
S	218	Blank Appropriations Bill-1.
S	219	Blank Appropriations Bill-2.
S	230	Duplin County Local Act.
S	231	Duplin County Local Act-1.
S	232	Lenoir County Local Act-1.
S	233	Lenoir County Local Act-2.
S	234	Sampson County Local Act-1.
S	235	Sampson County Local Act-2.

RULES AND OPERATIONS OF THE SENATE (continued)

S	236	47th Senatorial District Local Act-1.
S	237	47th Senatorial District Local Act-2.
S	238	47th Senatorial District Local Act-3.
S	239	47th Senatorial District Local Act-4.
S	240	47th Senatorial District Local Act-5.
S	241	47th Senatorial District Local Act-6.
S	244	50th Senatorial District Local Act-2.
S	245	50th Senatorial District Local Act-3.
S	248	50th Senatorial District Local Act-6.
S	250	48th Senatorial District Local Act-2.
S	251	48th Senatorial District Local Act-3.
S	252	48th Senatorial District Local Act-4.
S	253	48th Senatorial District Local Act-5.
S	256	Finance Law Changes 2.
S	257	Finance Law Changes 3.
S	258	5th Senatorial District Local Act-1.
S	259	5th Senatorial District Local Act-2.
S	260	5th Senatorial District Local Act-3.
S	261	Appropriations for FY 2005-2006 - 2.
S	263	Amend Public Laws - 2.
S	265	19th Senatorial District Local Act - 3.
S	272	9th Senatorial District Local Act-2.
S	273	9th Senatorial District Local Act-3.
S	275	Blank Appropriations Bill.
S	276	35th Senatorial District Local Act.
S	279	44th Senatorial District Local Act-2.
S	280	44th Senatorial District Local Act-3.
S	282	City of Asheville Local Act-3.
S	283	City of Asheville Local Act-4.
S	284	Buncombe County Local Act-2.
S	285	Buncombe County Local Act-3.
S	286	Buncombe County Local Act-4.
S	287	26th Senatorial District Local Act.
S	288	Guilford Local Act.
S	292	43rd Senatorial District Local Act-1.
S	293	43rd Senatorial District Local Act-3.
S	295	Forsyth County Local Act-1.
S	296	Forsyth County Local Act-2.
S	304	16th Senatorial District Local Act-2.
S	306	Blank Appropriations Bill-2.
S	310	City of Charlotte Local Act.
S	311	Mecklenburg County Local Act.
S	312	Charlotte-Mecklenburg School System.
S	313	Charlotte-Mecklenburg Transportation Funding.
S	314	Charlotte Transit Operations.

RULES AND OPERATIONS OF THE SENATE (continued)

S	315	Charlotte Cultural Facilities.
S	323	26th Judicial District.
S	333	Global Education for Students/Study.
S	336	40th Senatorial District Local Act-2.
S	349	Town of Boone Local Act.
S	351	Watauga County Local Act-2.
S	357	Guilford County Local Act-2.
S	359	City of Asheville Local Act-1.
S	360	Buncombe County Local Act-1.
S	365	City of Charlotte Local Act-1.
S	366	City of Charlotte Local Act-2.
S	371	7th Senatorial District Local Act-3.
S	372	7th Senatorial District Local Act-4.
S	373	7th Senatorial District Local Act-5.
S	374	7th Senatorial District Local Act-6.
S	375	7th Senatorial District Local Act-7.
S	376	Wilson County Local Act.
S	377	Nash County Local Act-1.
S	381	41st Senatorial District Local Act.
S	387	36th Senatorial District Local Act-2.
S	398	27th Senatorial District Local Act-1.
S	399	The 27th Senatorial District Local Act-2.
S	400	27th Senatorial District Local Act-3.
S	401	UNC/BOG Student Member Vote.
S	403	City of Wilson Local Act.
S	404	City of Rocky Mount Local Act.
S	410	24th Senatorial District Local Act-1.
S	411	24th Senatorial District Local Act-2.
S	412	24th Senatorial District Local Act-3.
S	415	Blank Bill-UNC-Wilmington.
S	417	Amend Laws on Cape Fear Community College.
S	424	State Drug Purchasing Program.
S	431	Chatham County Local Act-1.
S	432	Chatham County Local Act-2.
S	433	Lee County Local Act-1.
S	434	Lee County Local Act-2.
S	437	Durham County Local Act-2.
S	441	Ashe County/Wind-Powered Generation.
S	447	2nd Senatorial District Local Act-1.
S	448	2nd Senatorial District Local Act-2.
S	453	Public Laws - 1.
S	454	Public Laws - 2.
S	467	Cornelius' 100th Anniversary.
S	469	New Hanover County Local Act-1.
S	470	New Hanover County Local Act-2.

RULES AND OPERATIONS OF THE SENATE (continued)

S	471	New Hanover County Local Act-3.
S	478	Legislative Research Commission Study Ways to Assist Small Business/Health Insurance.
S	543	Study Furniture Technology Center.
S	548	Adjutant General Change.
S	553	Amend the Public School Laws - 1.
S	554	Amend the Public School Laws - 2.
S	555	Amend the Public School Laws - 3.
S	573	Study N.C. National Guard Pension Fund.
S	611	Debarment of DOT Contractors.-AB
S	616	Currituck Property Conveyance.
S	617	Amend Public Laws - 2.
S	618	Amend Public Laws - 3.
S	619	Amend Public Laws - 4.
S	623	Revenue Laws Property Tax Study.
S	660	Anatomic Pathology Services.
S	672	Opportunities for Economic Growth.
S	674	Rail Service Study Commission.
S	691	Pro Tempore Appointments Bill - 1.
S	786	Study Banking Laws.
S	790	Study Sound Management Program for Forestland.
S	815	Travel and Tourism Incentive Grants.
S	816	County Administrators Development Around City.
S	824	Revise Mortgage Lending Act.
S	826	Local Government Hold Harmless.
S	831	Safe Transportation for School Students.
S	840	Improve Review of Disputed Tax Matters.
S	858	Joint Legislative Growth Strategies Comm.
S	869	Blank Appropriations - 1.
S	870	Blank Appropriations - 2.
S	878	Study Raising the Compulsory Attendance Age.
S	888	Various State Personnel Law Changes.
S	889	Blank Bill-Open Discovery.
S	891	Transfer of Inmates.
S	892	Trafficking of Illegal Handguns Commission.
S	898	Study of Workforce Preparation in Schools.
S	900	NC Center for Nursing.
S	901	Equine Industry Study Commission.
S	903	Amend Interest Rate Laws.
S	914	Amend Public Laws - 1.
S	915	Amend Public Laws - 2.
S	916	Study State Business Taxation.
S	945	Public Laws - 2.
S	946	Public Laws - 3.
S	959	Teacher Assistant Salary Schedule.

RULES AND OPERATIONS OF THE SENATE (continued)

S	964	Economic Development.
S	973	NC Arts Council Funds.
S	982	Unfit Dwelling Study.
S	993	Blank Bill-Environmental Laws.
S	996	Personal Information Privacy Study.
S	999	Amend Environmental Laws -3.
S	1002	Maritime Museum Funds.
S	1010	Study Salary Inc. of Math & Science Teachers.
S	1033	LRC/Study Engines of Motor Fleet.
S	1036	Workers' Comp./Trucking.
S	1041	Study No-Fault for Elderly/Disabled Care.
S	1046	Infrastructure Foundation for 21st Century NC.
S	1062	Highways Distribution Formula Modified.
S	1063	Prohibit Highway Trust Fund Transfers.
S	1064	Terri Schiavo Act.
S	1068	Medicaid Consolidation.
S	1115	Amend Environmental Laws-2.
S	1133	Amend Natural Resource Laws-1.
S	1147	Blank Bill - Foundation Employees.
S	1154	Amend Natural Resource Laws-2.
S	1176	Honor Founders/Sigma Gamma Rho Sorority.
S	1181	Confirm State Board of Education Members.
S	1182	Adjournment.
S	1221	Lottery Funds.
S	1222	Restrict Eminent Domain.
S	1223	Security and Immigration Compliance.
S	1226	Cabarrus County Local Act.
S	1227	36th Senatorial District Local Act.
S	1228	Defense of Marriage.
S	1229	Eminent Domain.
S	1246	Repeal Eye Exam Requirement.
S	1258	Repeal Notary Renewal Requirements.
S	1269	Enabling/Gates Land Transfer Tax.
S	1282	Enabling/Offer Condemned Land to Condemnee.
S	1290	44th Senatorial District Local Act-1.
S	1291	44th Senatorial District Local Act-2.
S	1304	18th Senatorial District Local Act-1.
S	1305	18th Senatorial District Local Act-2.
S	1306	18th Senatorial District Local Act - 3.
S	1307	18th Senatorial District Local Act - 4.
S	1308	18th Senatorial District Local Act-5.
S	1309	18th Senatorial District Local Act-6.
S	1321	Restrict Eminent Domain.
S	1322	Ambulances Authorizing Resolution.
S	1323	Taxpayer Protect Act.

RULES AND OPERATIONS OF THE SENATE (continued)

- S 1324 Eminent Domain Restricted.
- S 1332 Enabling/Require Odometer Disclosure By Sellers.
- S 1333 Require Odometer Disclosure By Sellers.
- S 1356 Offer Condemned Land to Condemnee.
- S 1357 Ambulances/No Nonemergency Service Limits.
- S 1359 Charter School Retirement Election.
- S 1362 Mecklenburg County Local Act.
- S 1363 Union County Local Act-2.
- S 1420 Enabling/Medical Care Commission/Membership.
- S 1421 Medical Care Commission/Membership.
- S 1423 8th Senatorial District Local Act-2.
- S 1424 8th Senatorial District Local Act-3.
- S 1425 8th Senatorial District Local Act-4.
- S 1426 8th Senatorial District Local Act-5.
- S 1427 8th Senatorial District Local Act-6.
- S 1443 Rockingham County Local Act-1.
- S 1445 Guilford County Local Act.
- S 1446 Increased Security For Drivers Licenses.
- S 1448 Enabling/Handicapped Placard and Plate Reqts.
- S 1449 Handicapped Placard and Plate Requirements.
- S 1462 13th Senatorial District Local Act-3.
- S 1463 13th Senatorial District Local Act-1.
- S 1464 13th Senatorial District Local Act-2.
- S 1488 Study Building Code Issues.
- S 1490 Liability Protection for State Medical Assistant Teams.
- S 1495 Enhance Embargo Authorization/Protect Food Supply.
- S 1500 Lottery Funds.
- S 1503 Lottery Emergency School Repairs/Renovations.
- S 1504 23rd Senatorial District Local Act-1.
- S 1505 23rd Senatorial District Local Act-2.
- S 1507 13th Senatorial District Local Act-4.
- S 1519 Catawba County Local Act.
- S 1520 City of Hickory Local Act.
- S 1521 42nd Senatorial District Local Act.
- S 1568 Use of Existing Plans for State Construction.
- S 1571 Enabling/Study Post-Adoption Contacts.
- S 1572 Study Beneficial Uses of Industrial Hemp.
- S 1601 Enabling/Medical Malpractice Act/Higher Filing Fees.
- S 1602 Medical Malpractice Actions/Higher Filing Fees.
- S 1607 Iredell County Local Act.
- S 1611 Sheriff's Access Rx Info.
- S 1612 Record Convictions from Cherokee Tribal Court.

RULES AND OPERATIONS OF THE SENATE (continued)

- S 1613 Methadone Distribution/2nd Degree Murder.
- S 1627 Security and Immigration Compliance.
- S 1628 Wake County Local Act.
- S 1644 48th Senatorial District Local Act-1.
- S 1645 48th Senatorial District Local Act-2.
- S 1646 48th Senatorial District Local Act-3.
- S 1653 Medical Care Commission Membership/Hospice.
- S 1659 Kannapolis' 100th Anniversary.
- S 1664 Yadkin County Local Act.
- S 1673 Permit Airspace Encroachment.
- S 1677 23rd Senatorial District Local Act-3.
- S 1678 23rd Senatorial District Local Act-4.
- S 1699 Enabling/Medical Care Commission
Membership/Hospice.
- S 1730 Ashe County Local Act.
- S 1731 Alexander County Local Act.
- S 1732 Watauga County Local Act.
- S 1733 Wilkes County Local Act.
- S 1743 38th Senatorial District Local Act-2.
- S 1744 38th Senatorial District Local Act-3.
- S 1745 38th Senatorial District Local Act-1.
- S 1746 38th Senatorial District Local Act-4.
- S 1748 38th Senatorial District Local Act-5.
- S 1749 38th Senatorial District Local Act-6.
- S 1754 Davie County Local Act-1.
- S 1755 Davie County Local Act-2.
- S 1756 Rowan County Local Act-1.
- S 1757 Rowan County Local Act-2.
- S 1767 Expand Dix Oversight.
- S 1827 Establish Study Commission on Day Care/Funds.
- S 1844 33rd Senatorial District Local Act-1.
- S 1845 33rd Senatorial District Local Act-2.
- S 1853 County Capital Funding for Charter Schools.
- S 1856 Terri Schiavo Act.
- S 1858 Dix Study Commission/Funds for Appraisal.
- S 1864 Exemptions for Accredited Boarding Kennels.
- S 1868 50th Senatorial District Local Act-1.
- S 1869 50th Senatorial District Local Act-2.
- S 1870 50th Senatorial District Local Act-3.
- S 1871 50th Senatorial District Local Act-4.
- S 1872 50th Senatorial District Local Act-5.
- S 1873 50th Senatorial District Local Act-6.
- S 1874 50th Senatorial District Local Act-7.
- S 1875 50th Senatorial District Local Act-8.
- S 1882 Repeal Prior Acts.

RULES AND OPERATIONS OF THE SENATE (continued)

S	1883	Repeal Prior Acts.
S	1884	Repeal Prior Act/Chiropractor Payments.
S	1913	4th Senatorial District Local Act.
S	1925	Law Officer Record Clandestine Drug Labs.
S	1946	Assault Handicapped/Increase penalty.
S	1947	Assault Handicapped/Increase penalty.
S	1959	Study/Buses to Deport Illegal Aliens.
S	1977	Notification to be Sent to INS.
S	1978	Sunset State Bar Surcharge.
S	1979	Notification to Be Sent to INS.
S	2007	LRC/Study Sick Leave Bank and Family Leave.
S	2013	Televising Legislative Session.
S	2018	Economic Development Regional Partnership Accountability.
S	2019	Legislative Constitutional Amendments.
S	2031	Public School Facilities Bond Act of 2006.
S	2036	Strengthen Elevator Safety Laws/Funds.
S	2049	Enabling/The Bruce Stevens Solicitation Act.
S	2050	The Bruce Stevens Solicitation Act.
S	2058	Honor Veterans/Flag Day.
S	2062	Honoring Carolina Hurricanes.
S	2063	Honor Canes.

SELECT COMMITTEE ON EMPLOYEE HOSPITAL AND MEDICAL BENEFITS

S	459	State Health Plan: Forest City Participation.
S	741	UNC Health Plan Pilot.-AB
S	750	State Health Plan/Medicare Drug Copayments.
S	894	Strengthen State Health Plan-1.
S	1024	Equalize Newborn Coverage/State Health Plan.

STATE AND LOCAL GOVERNMENT

H	944	Adopt the Salute to the NC Flag.
H	949	Currituck Bear Hunting.
H	1305	Maps/Charters to Secretary of State.
H	1942	Verify Public Employee Legal Status/Funds.
H	2026	Law Enforcement Use of All-Terrain Vehicles.
H	2094	Sunset Beach & Ocean Isle Beach/State Health Plan.
H	2102	Lease State Property to Onslow County.
H	2292	Perquimans Bear Hunting.
S	33	Pilot Vote by Mail.
S	164	Henderson Junked/Abandoned Vehicles.
S	175	Public Laws - 1.
S	176	Protection of Historic Monuments.
S	221	No Games on State Computers.

STATE AND LOCAL GOVERNMENT (continued)

S	281	City of Asheville Local Act-2.
S	449	Anson County 911 Funds.
S	544	Work-Related Websites on State Computers.
S	1113	Clarify Legislative Personnel Policy - 1.
S	1152	Economic Development Inventory.
S	1207	Lincoln Annexations.
S	1240	Lyons Station Annexation.
S	1267	Roanoke Rapids Annexation.
S	1310	Cleveland/Cherryville ATV Use.
S	1361	Union County Local Act-1.
S	1385	Jacksonville Initiative/Referendum.
S	1388	Law Enforcement Use of ATV's.
S	1391	LaGrange Junked Vehicles.
S	1422	8th Senatorial District Local Act-1.
S	1432	Allow Caswell Beach to Regulate Golf Carts.
S	1787	Charlotte Area Transit System.
S	1788	Charlotte Civil Service Board.
S	1792	Columbus County Precincts.
S	1865	Cherokee School Attendance.
S	1912	Fayetteville Public Works Commission Contracts.

TRANSPORTATION

S	150	NC Turnpike Authority Changes.
S	154	Eight-Year Drivers License/Internet Drivers License Renewal.
S	155	DOT Driveway Connection Changes.
S	530	Revise Safety and Emissions Inspection Law.
S	585	Two-Year Vehicle Registration/Eight-Year Drivers License.
S	597	Oversize/Overweight Vehicle Changes.-AB
S	599	DOT Utility Relocation.-AB
S	655	Agreement for Transportation Improvements.-AB
S	657	Defining State Roads.-AB
S	658	Secondary Road Construction.-AB
S	1382	DOT Secondary Road Formula Change.
S	1578	NC/VA Interstate Toll Road Compact.
S	1582	Seat Belt Use Changes.
S	1603	Autism Recommendations.
S	1819	NC Turnpike Encouragement and Assistance.
S	1826	Turnpike Revenue Retention.
S	2055	Exempt Certain Farm Vehicle Registrations.

WAYS AND MEANS

S	8	Defense of Marriage.
S	12	Four-Year Term Implementing.
S	13	Four-Year Terms.

WAYS AND MEANS (continued)

S	34	Council of State Implementing Statute.
S	56	Appoint Most Council of State Members.
S	139	Session Limits.
S	162	Session Limits.
S	274	Taxpayers' Protection Act.
S	317	District Judge 8-Year Terms.
S	382	Gubernatorial Team Ticket.
S	427	Lt. Gov. Ex Officio Secretary of State.
S	430	Independent Redistricting Commission/Constitution.
S	855	Judicial Appointment/Voter Retention.
S	857	Chief Justice Selection.
S	989	Civil Justice Improvements.
S	997	Redistricting Reform.
S	1075	N.C. Education Lottery.
S	1079	Constitutional Amendment Limiting Nonvoted Debt.
S	1095	2005 State Lottery For Education/Seniors.
S	1162	Appointment/Reappointment of Magistrates.

APPENDIX

SENATE JOURNAL

2005 SESSION

SECOND SESSION

2006



**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.

SENATE RESOLUTIONS**2006 SESSION**

Adopted June 14, 2006 (See page 249.)

S.R. 2059. A SENATE RESOLUTION HONORING THE UNITED STATES MILITARY AND THE UNITED STATES AIR FORCE RHYTHM IN BLUE JAZZ ENSEMBLE.

Whereas, North Carolina is home to some of the nation's most important military installations, including Fort Bragg Army Base, Pope Air Force Base, Seymour Johnson Air Force Base, Camp Lejeune Marine Corps Base, Marine Corps Air Station New River, and Marine Corps Air Station Cherry Point; and

Whereas, these facilities have been beneficial to the State, generating a tremendous economic impact for the communities in which they are located and attracting new residents and businesses; and

Whereas, the United States Air Force Rhythm in Blue Jazz Ensemble, under the leadership of Senior Master Sergeant Peter E. Aiello, Jr., is deserving of the highest honors and commendation for its performance on June 18, 2006, at Roanoke Island Festival Park; and

Whereas, the United States Air Force Rhythm in Blue Jazz Ensemble performs many concerts throughout the eastern United States each year, receiving much critical acclaim for its versatility and ability to adapt its program to the musical preferences of the audiences; and

Whereas, the members of the band bring to each performance a spirited attention to musical detail, a quality that has become the band's trademark; and

Whereas, the people of North Carolina and the United States are justly proud of the talents and energy displayed by the United States Air Force Rhythm in Blue Jazz Ensemble, it is appropriate at this time that its accomplishments be acknowledged; Now, therefore,

Be it resolved by the Senate:

SECTION 1. The Senate takes great pleasure in honoring the United States Air Force Rhythm in Blue Jazz Ensemble and its director, Senior Master Sergeant Peter E. Aiello, Jr.

SECTION 2. The Senate expresses the pride of the citizens of North Carolina on being the nation's most military-friendly state.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to Senior Master Sergeant Peter E. Aiello, Jr.

SECTION 4. This resolution is effective upon adoption.

Adopted June 30, 2006 (See page 382.)

S.R. 2061, A SENATE RESOLUTION ADOPTING AN OFFICIAL COAT OF ARMS AND SEAL.

Be it resolved by the Senate:

SECTION 1. The coat of arms designed by The Honorable C.E.A. Cheesman, Rouge Dragon Pursuivant of the College of Arms, London is hereby ratified and adopted as the official coat of arms of the North Carolina Senate.

SECTION 2. The seal designed by Mr. Cheesman is hereby ratified and adopted as the official seal of the North Carolina Senate.

SECTION 3. True and correct full-color copies of the coat of arms and the seal shall be filed in the Legislative Library and posted on the North Carolina General Assembly's Internet Web site.

SECTION 4. This resolution is effective upon adoption.

Adopted July 17, 2006 (See page 537.)

S.R. 2065, A SENATE RESOLUTION ELECTING LAURA W. BUFFALOE, ED.D. TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Whereas, Willie J. Gilchrist of Halifax County was reelected by the Senate in 2005 to serve as a member of the Board of Governors of The University of North Carolina for a term of four years; and

Whereas, Willie J. Gilchrist has accepted the appointment of Interim Chancellor at Elizabeth City State University and, in accordance with G.S. 116-7(b), has resigned from the Board of Governors of The University of North Carolina effective July 11, 2006; and

Whereas, G.S. 116-7(c) directs the chamber that originally elected a vacating member of the Board of Governors of The University of North Carolina to elect a person to fill that vacancy for the remainder of the unexpired term; and

Whereas, the Senate may determine its own procedure and the Senate Education/Higher Education Committee Cochairs have confirmed that Laura W. Buffaloe, Ed.D. has no disqualifying statutory disabilities; Now, therefore,

Be it resolved by the Senate:

SECTION 1. The following person is elected to the Board of Governors of The University of North Carolina for a term commencing July 17, 2006, and ending June 30, 2009:

(1) Laura W. Buffaloe, Ed.D. of Halifax County.

SECTION 2. 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 Second Session on July 28, 2006.

The full text of Executive Orders 81 through 104 issued by Governor Michael F. Easley can be found in the Session Laws of the 2005 General Assembly, Regular Session 2006.

Executive Order	Title	Date of Issuance
81	Emergency Relief for damage caused by Hurricane Katrina	September 1, 2005
82	Proclamation of State Emergency due to Hurricane Katrina	September 3, 2005
83	Juvenile Justice Planning Committee	September 7, 2005
84	North Carolina Emergency Response Commission	September 7, 2005
85	Governor's Advisory Council on Hispanic/Latino Affairs	September 7, 2005
86	Statewide Flexible Benefits Program	September 7, 2006
87	Amending Executive Order No. 81 Emergency Relief for damage caused by Hurricane Katrina	September 8, 2005
88	Proclamation of State Of Emergency Due to Hurricane Ophelia	September 10, 2005
89	Replacing Executive Order No. 52 Concerning Food Safety and Defense Task Force	September 12, 2005
90	Emergency Relief for damage caused by Hurricane Ophelia	September 15, 2005
91	Governor's Task Force for Healthy Carolinians	September 27, 2005

92	Extending Executive Order Nos. 48, 12 and 58	November 21, 2005
93	Amending Executive Order No. 85 Governor's Advisory Council on Hispanic/Latino Affairs	November 23, 2005
94	Proclamation of Continuing State of Emergency due to Hurricanes Katrina and Ophelia	November 28, 2005
95	Amending Executive Order No. 87 Emergency Relief for damage caused by Hurricane Katrina	December 7, 2005
96	Emergency Relief for damage caused by Ice/ Snow Storm	December 16, 2005
97	Extending Executive Order No. 95 Emergency Relief for damage caused by Hurricane Katrina	January 5, 2006
98	North Carolina State Health Coordinating Council	January 18, 2006
99	Extending Executive Order No. 56, North Carolina Interagency Council for Coordinating Homeless Programs	January 19, 2006
100	Extending Executive Order No. 97, Emergency Relief for damage caused by Hurricane Katrina	February 20, 2006
101	To Establish the Residential Treatment for Children and Adolescents Rules Effective Date	March 27, 2006
102	Continuity of Operations and Continuity of Government Planning	June 1, 2006
103	Proclamation of State of Disaster for the towns of Boiling Springs, Taylorsville, and Tryon and for the cities Of Cherryville, Kings Mountain, Newton, Shelby, and Saluda	July 5, 2006
104	Amending Executive Order No. 56, North Carolina Interagency Council for Coordinating Homeless Programs	July 13, 2006

May 9, 2006 (See page 6.)

**NORTH CAROLINA HIGHWAY TROOP "B" HONOR GUARD,
HEADQUARTERED IN FAYETTEVILLE, NORTH CAROLINA**

Sergeant Freddy L. Johnson, Jr.	Officer in Charge
Trooper Daniel T. Hilburn	North Carolina Flag Bearer
Trooper Scottie Chavis	United States Flag Bearer
Trooper James A. McVicker, Jr.	Rifleman
Trooper James T. Hunter	Rifleman

May 9, 2006 (See page 9.)

**PERSONS AND COMPANIES INVOLVED IN THE SENATE CHAMBER
RENOVATION AND RECOGNIZED ON THE SENATE FLOOR AND IN
THE GALLERY ON MAY 9, 2006**

Bill Sears (Architect)
Sears, Hackney, Keener, & Williams
Cary, North Carolina

Zagaroli & Company (Design Team)
Hickory, North Carolina
(David and Nancy Zagaroli, Joe and Susie Miller, Charlie Zagaroli)

Hickory-White (Furniture Manufacturer)
Hickory, North Carolina
(Dan Hall, Mike Powers, Mark Bailey, Bill Dickinson)

Cabot Wrenn (Chair Manufacturer)
Hickory, North Carolina
(Jimmy Moore, Judy Caywood, Tom O'Connell)

Chuck Wilson
C. T. Wilson Construction Company
Durham, North Carolina

Stanford-White Associates
(Bob Talley, Electrical Engineer – Lighting)

Technical Innovation (Sound Consultants)
(Gary Kuhlman and Jim Ferris)

Watson Electrical

Custom Light and Sound (Installation of Sound System)
(Bob Phelps, Brian Phelps, John Hoke)

International Roll Call (Voting System)
(Arnold Snelson, Terry Wagner)

Valentine Design Group (State Seal)
(Roland Valentine)

Robert Huff Designs (State Seal)

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 Bingham
Members	Senators Bland, Brock, Brown, Cowell, East, Garwood, Hartsell, Holloman, Jenkins, Lucas, Smith, Snow, 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, Bland, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dannelly, Dorsett, East, Forrester, Garwood, Graham, Hartsell, Holloman, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, 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**

Co-Chairman	Senator Kinnaird
Co-Chairman	Senator Snow
Vice-Chairman	Senator Clodfelter
Ranking Minority Member	Senator Bingham
Members	Senators Apodaca, Bland, 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 Tillman
Members	Senators Brunstetter, Clodfelter

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,

COMMERCE

(continued)

Members**Tues/Thurs-1027 LB-11:00 AM**

Forrester, Garrou, Goodall, Graham,
Hagan, Jacumin, Kerr, Malone, Nesbitt,
Presnell, Purcell, Shaw, Stevens

EDUCATION/HIGHER EDUCATION**Co-Chairman****Co-Chairman****Co-Chairman****Vice Chairman****Ranking Minority Member****Members****Wed-414 LOB-10:00 AM**

Senator Lucas
Senator Swindell
Senator Garwood
Senator Stevens
Senator Allran
Senators Apodaca, Berger of Franklin,
Bingham, Bland, Brunstetter, Dalton,
Dannelly, Dorsett, Forrester, Garrou,
Goodall, Graham, Hagan, Hartsell,
Holloman, Hoyle, Jenkins, Malone,
Nesbitt, Purcell, Rand, Smith, Snow,
Tillman

FINANCE**Co-Chairman****Co-Chairman****Vice Chairman****Vice Chairman****Ranking Minority Member****Members****Tues/Wed-544 LOB-1:00 PM**

Senator Hoyle
Senator Kerr
Senator Clodfelter
Senator Shaw
Senator Hartsell
Senators Albertson, Allran, Apodaca,
Atwater, Berger of Rockingham, Blake,
Bland, Boseman, Brock, Brunstetter,
Cowell, Dalton, Dannelly, Garrou,
Goodall, Hagan, Hunt, Jenkins,
Kinnaird, Nesbitt, Pittenger, Purcell,
Rand, Smith, Soles, Stevens, Swindell,
Tillman, Webster, Weinstein

HEALTH CARE**Co-Chairman****Co-Chairman****Vice Chairman****Vice Chairman****Ranking Minority Member****Members****Wed-544 LOB-11:00 AM**

Senator Purcell
Senator Bingham
Senator Allran
Senator Dorsett
Senator Forrester
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
Vice Chairman Senator Boseman
Members Senators, Albertson, Brock, Brown,
 Brunstetter, Cowell, 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 Berger of Franklin
Ranking Minority Member Senator Webster
Members Senators Apodaca, Atwater, Bingham,
 Bland, 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, Bland,
 Brock, Brown, Cowell, Dannelly,
 Goodall, Jacumin, Malone, Purcell,
 Shaw, Snow, Swindell

**OPPORTUNITIES AND NEEDS FOR ECONOMIC GROWTH IN
NORTH CAROLINA (“ONE NC”)****Tues–1027 LB–12:00 Noon**

Chairman Senator Nesbitt
Vice Chairman Senator Boseman
Vice Chairman Senator Weinstein
Vice Chairman Senator Hartsell

**OPPORTUNITIES AND NEEDS FOR ECONOMIC GROWTH IN
NORTH CAROLINA (“ONE NC”) (continued)**

Tues–1027 LB–12:00 Noon

Vice Chairman	Senator Berger of Franklin
Ranking Minority Member	Senator Garwood
Members	Senators Albertson, Allran, Apodaca, Bland, 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, Bland, Dorsett, East, Forrester, Jenkins, Lucas, Malone, Purcell, Rand, Swindell, Weinstein

RULES AND OPERATIONS OF THE SENATE

Upon Call of Chairman

Chairman	Senator Rand
Vice Chairman	Senator Dalton
Ranking Minority Member	Senator Apodaca
Members	Senators Albertson, Berger of Rockingham, Bland, Brock, Brunsetter, Clodfelter, Dorsett, Forrester, Hoyle, Kinnaird, Nesbitt, Pittenger, Soles, Swindell

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, Brunstetter, Clodfelter, Garwood, Graham, Presnell, Smith, Soles, Stevens, Weinstein

TRANSPORTATION

Wed–1027 LB–11:00 AM

Chairman	Senator Shaw
Vice Chairman	Senator Hoyle
Vice Chairman	Senator Boseman

TRANSPORTATION**Wed-1027 LB-11:00 AM**

(continued)

**Ranking Minority Member
Members**

Senator East
 Senators Berger of Rockingham, Bland,
 Brock, Brunstetter, Clodfelter, Graham,
 Hunt, Jenkins, Presnell, Stevens, Snow,
 Swindell, Tillman, Weinstein

WAYS AND MEANS**Upon Call of Chairman****Chairman
Vice Chairman
Ranking Minority Member
Members**

Senator Dannelly
 Senator Weinstein
 Senator Allran
 Senators Albertson, Goodall, Hartsell,
 Hoyle, Hunt, Jenkins, Kerr, Lucas,
 Malone, Swindell

SELECT COMMITTEES**SELECT COMMITTEE ON EMPLOYEE HOSPITAL AND MEDICAL
BENEFITS****Upon Call of Chairman****Chairman
Members**

Senator Rand
 Senators Clodfelter, Dannelly,
 Forrester, Hagan, Hoyle

**SELECT COMMITTEE ON HOMELAND SECURITY, EMERGENCY
MANAGEMENT, AND MILITARY AFFAIRS****Upon Call of Chairman****Chairman
Vice Chairman
Vice Chairman
Vice Chairman
Ranking Minority Member
Members**

Senator Nesbitt
 Senator Kerr
 Senator Rand
 Senator Dorsett
 Senator Garwood
 Senators Allran, Apodaca, Berger of
 Rockingham, Bland, Boseman, Brown,
 Dalton, Dannelly, East, Forrester,
 Holloman, Jenkins, Presnell, Snow,
 Soles

SELECT COMMITTEE ON THE LOTTERY BILL**Upon Call of Chairman****Chairman
Members**

Senator Rand
 Senators Apodaca, Berger of Franklin,
 Berger of Rockingham, Boseman,
 Brown, Clodfelter, Dannelly, Garwood,
 Hartsell, Hoyle, Kerr, Lucas, Malone,
 Nesbitt, Soles, 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
Receptionist	Sally Horn
Communications Director	Tim Crowley
Legislative Assistant	Anne Canady
Office Manager	Effie Jackson
Policy Director	Mike Arnold
Scheduler	Cornelia McMillan
Director of Public Liaison	Donice Harbor
Constituent Outreach Liaison	Alicia Johnson
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 (Resigned 6/9/06)
	Amy Fulk (5/15/06)
General Counsel	Tonya Williams
Budget Director	Rob Lamme (5/15/06)
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	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	Cody Hand
Research Assistant	Sarah Clapp

OFFICE OF THE PRINCIPAL CLERK

Principal Clerk	Janet B. Pruitt
Administrative Clerks	Paul Curry
	Leigh Goodman
	Harriette Smith McKoy
Assistants	Marty Carrara
	Jacob Daniel
	Charlotte Johnston
	Joan Jones
	Shirley Parker
	Mary Elizabeth Smith
	Peggy Telfair
	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
Curtis Dowd	Ernie Sherrell
Jon P. Fitchett	Ronald Spann
Charles R. Harper	Richard Telfair
Terry Isaacs	Rochester White
Stanley Johnson	Leslie Wright
Charles Marsalis	Robert Young
Mary Perry	

OFFICE OF LEGISLATIVE ASSISTANTS

Director	Joyce Hodge
Assistant to Director	Delta Prince
Page Coordinator	Rebecca Butler
Page Supervisor	Dorothy Sabow

SENATE LEGISLATIVE ASSISTANTS

Irma Avent-Hurst	Holloman	State and Local Government
Dee Bagley	Weinstein	Appropriations on Natural and Economic Resources

Susan Baston Gail Bishop	Graham Garrou	Appropriations/Base Budget Pensions & Retirement and Aging
Janet Black Lorraine Blake	Jacumin Purcell	Appropriations on Health and Human Services Health and Human Resources
Janet Blalock	Soles	Democratic Caucus Chair Commerce
Nancy Brothers Wilma Caldwell Phyllis Cameron	Cowell Substitute Dorsett	Appropriations on General Government and Information Technology
Judy Chriscoe Genie Clark Sara Clapp Evelyn Costello	Bingham Brunstetter P. Berger Rand	Health Care Republican Leader 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
Blanche Critcher Brian Dalton Bernie David-Yerumo	Substitute Dalton Lucas	Majority Whip Appropriations on Education/Higher Education Education/Higher Education Democratic Caucus Secretary Agriculture/Environment/Natural Resources
Cindy Davis	Albertson	
Kathy Davis Laura Dobbins Jonathan Ducote'	Hunt Boseman Snow	Appropriations on Justice and Public Safety
Brad Elder Barbara Eldridge Mona Fitzgerald	Webster P. Berger Soles	Republican Leader Democratic Caucus Chair Commerce
Elaine Funderburk Cindy Garrison Carolyn Gooden	Substitute Cowell Jenkins	Appropriations on Department of Transportation
Susanne Gunter Peggy Halifax Yvonne Hall	Bland Pittenger Tillman	Assistant Republican Leader Republican Whip

Cody Hand	P. Berger	Republican Leader
Evelyn Hartsell	Kerr	Finance
Virginia Hebert	P. Berger	Republican Leader
Becky Hedspeth	Purcell	Appropriations on Health and Human Services Health and Human Resources
Barbara Hocutt	Substitute	
Dee Hodge	Dannelly	Deputy President <i>Pro Tempore</i> Ways & Means
Mo Hudson	Swindell	Appropriations on Education/Higher Education Education/Higher Education
John Jenkins	Hoyle	Finance
Gerry Johnson	Hartsell	Judiciary II
Patti Johnson	Jenkins	Appropriations on Department of Transportation
Wanda Joyner	Clodfelter	Judiciary I Select Committee on Insurance and Civil Justice Reform Select Committee on Council of State Contested Elections
Blair Keen	Smith	
Anna Kidd	Blake	
Mary King	Basnight	President <i>Pro Tempore</i>
Sarah L. Krishnaraj	Cowell	
Linda Laton	D. Berger	
Joan Leatherman	Soles	Democratic Caucus Chair Commerce
Barbara Lee	Shaw	Transportation
Jan Lee	Nesbitt	Opportunities and Needs for Economic Growth in North Carolina Select Committee on Homeland Security, Emergency Management and Military Affairs
Darrell Malcolm	P. Berger	Republican Leader
DeAnne Mangum	Kerr	Finance
Nikki McDougald	Shaw	Transportation
Bonnie McNeil	Malone	Appropriations on Health and Human Services Information Technology
Melissa Midgette	Hagan	Appropriations/Base Budget Pensions & Retirement and Aging
Chris Minard	Garrou	Appropriations/Base Budget Pensions & Retirement and Aging

Joyce Miles	Snow	Appropriations on Justice and Public Safety
Daladier Miller	Lucas	Majority Whip Appropriations on Education/Higher Education Education/Higher Education
Ann Misenheimer	East	
Sarah Murphy	Substitute	
Teresa Nichols	Brown	
Barbara O'Sullivan	Dalton	Appropriations/Base Budget Pensions & Retirement and Aging
Claudette Parrish	Nesbitt	Opportunities and Needs for Economic Growth in North Carolina Select Committee on Homeland Security, Emergency Management and Military Affairs
Sherry Pearson	Lucas	
Barbara Perryman	Boseman	
Marian Phillips	Hagan	Appropriations/Base Budget Pensions & Retirement and Aging Education/Higher Education
Phyllis Porter	Garwood	State and Local Government
Alexis Pugh	Holloman	Deputy Republican Leader
Nancy Pulley	Apodaca	Majority Leader
Walter Rand	Rand	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
Carol Resar	Atwater	
Kleist Rhodes	Stevens	
Sylvia Sears	Kerr	Finance
Sarah Shapard	Kinnaird	Mental Health and Youth Services
Elizabeth Slocum	Goodall	
Vickie Spears	Bland	Appropriations on Justice and Public Safety Select Committee on Homeland Security, Emergency Management, and Military Affairs
Judy Tardiff	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
Lucille Thompson	Substitute	
Carole Walker	Allran	Pensions & Retirement and Aging
Tabatha Walker	Brock	
Mary Watson	Forrester	
Dot Waugaman	Boseman	Commerce
Penny Williams	Hoyle	Finance
Anne Wilson	Substitute	
Kathie Young	Kinnaird	Mental Health and Youth Service

SENATE INTERNS 2006 SESSION

Stephen Beam	Stevens
Ashley Bland	Brown
Nicholas Byrne	Bingham
Jennifer Ann Carter	Basnight
Brandon Clark	Hagan
Daniel Cooper	Goodall
Karen Darlington	Graham
Jhari Derr-Hill	Dorsett
Jeffery Dodson	Dorsett
Shambulia Gadsden-Sams	Malone
Brian Godfrey	Tillman
Virginia Gonzalez	Clodfelter
Michael Grant	Shaw
Lauren Haigler	Basnight
Kristy Hartman	Apodaca
Hannah Hawley	Swindell
Erin Karriker	Brock
Adam Keith	D. Berger
Kelly Kitchens	Holloman
Roland Larino	Stevens
Adam Levy	Presnell
Amanda Lilley	Garrou
Graham Long	Pittenger
Heather Marcum	Dalton
Robert Mills	Albertson
Lawrence Moye	Kerr
Sara Owen	Jacumin
Ami Pathak	Kinnaird
Wilson Quick	Weinstein
Branden Reid	Dannelly
Keith Richardson	Forrester
James Satterwhite	Kinnaird
Benton Sawrey	P. Berger
Jason Soper	Smith
Michael Stiles	Hoyle

Roy Upchurch
Rebecca Wood

Hoyle
Purcell

**SENATE PAGES
2006 SESSION**

Jacob Adams, Shelby
Caroline Lindsay Allen,
Rock Hill, South Carolina
Catherine Allran, Hickory
Jessie Ammons, Wake Forest
Katherine Merritt Anderson, Gastonia
Krista L. Anderson, Smithfield
Darius Atkinson, Raleigh
Margaret Anne Baker, Colerain
Natalie Page Baker, Tarboro
Thomas Clinton Barker, Eden
Jairus Ivan Barnes, Goldsboro
Martez T. Barnes, Raleigh
Ashley Bartlett, Wilkesboro
Brittany Yvette Beatty, Durham
Blair Belk, Charlotte
Melissa Bell, Gastonia
Tiffany Renee Bell, Wake Forest
Ashley Lauren Berger, Eden
Brooks Thomas Best, Goldsboro
Danielle Best, Fayetteville
Elizabeth Ann Biggerstaff, Gastonia
Carson Blackley, Bullock
Brooke Blackman, Angier
Chelsea Block, Cary
Elise Bohmer, Yanceyville
Charles Richard Bond, Rutherfordton
Elizabeth Borden, Goldsboro
Jasmine D. Bowers, Charlotte
Abigail Faith Brack, Gastonia
Brittany G. Brinson, Durham
Kristen J. Brinson, Durham
Samantha Brody, Greenville
Charles Boyce Brooks, Waxhaw
Jasmine Brooks, Knightdale
Shannon Brooks, Knightdale
Brandon James Broome, Charlotte
Taylor Michelle Broome,
Sutherlin, Virginia
Andrew Daniel Brown, Raleigh
Claire Olivia Brown, Clayton
Katherine Brown, Raleigh
Meghan Elizabeth Burris, Lincolnton
Cameron Burroughs, Laurinburg
Eric Burwell, Jr., Wake Forest
Laura E. Byrd, North Wilkesboro
Kristen Byrum, Elizabeth City
Brittney Cagle, Apex
Kaenan Joshua Caison, Wilmington
Candace Ashlyn Carter, Laurinburg
Sara Cashman, Hatteras
Hannah Challenger, Gastonia
Katlin E. Christian, Jackson Springs
Mary Lauren Christopher, Gastonia
Blake Hamilton Clemmons, New Bern
Grayson Jared Cohn, Wilkesboro
William Colvill, Winston-Salem
Harrison Compton, Tryon
Patrick Sam Compton, Tryon
Jeremiah T. Coogan, Wake Forest
Brandon Cooke, Raleigh
Sadie Elizabeth Cooke, Gastonia
Courtney Cooper, Gastonia
William Adkins Cottrell, Oxford
Laura E. Cowan, Fayetteville
Samuel Cox, Raleigh
Molly MacKenzie Crenshaw, Raleigh
Caroline Cross, Burlington
James Cuffney, Raleigh
John Cuffney, Raleigh
Elisabeth Lee Curtis,
Rock Hill, South Carolina
Hannah Julia Daniels, Smithfield
Chelsea Nicole Davis, Gastonia
Carter Devlin, Raleigh
Sarah Elizabeth Dinkins, Mocksville
Elizabeth Holliday Dobson,
Mt. Pleasant
Michael Dowdell, Durham
William Clayton Draughon,
Kenansville
Zachary Dunn, Apex
Amanda Eason, Benson
Jenel Joyce Egerer, Wilmington

Allison Ellis, Gastonia
Bennett Whitfield Evans,
Rutherfordton
Hannah Beth Evans, Wallace
Brittani Ezuma, Raleigh
Tiffany Ezuma, Raleigh
William R. Fanning, Fuquay Varina
Allison C. Farless, Edenton
Andrew Fisher, Raleigh
Austin Grant Fitzgerald, Raleigh
Ashley E. Forte, Durham
Justin M. Foxx, Charlotte
Caroline Beam Fraley, Cherryville
Courtney Nicole Frazelle, Kinston
Brittany Frazier, Greensboro
Lenaë' C. Frazier, Durham
Kirby D. Frennea, Winston-Salem
Kaitlin E. Frey, Raleigh
Lindsay Fulcher, New Bern
Jonathan F. Gamble, Cary
Sarah Gray Gilliam, Windsor
Robert James Gmeiner, Yadkinville
Ashley Graham, Gastonia
Cameron Green, Raleigh
Keiston Levias Dade Grier, Charlotte
Kristen Erica Griggs, Charlotte
Samuel Grant Gross, Raleigh
David Reed Guest, Lexington
James B. Gulledege, Raleigh
Virginia A. Gustafson, Raleigh
Will Gustafson, Raleigh
Kelly Hall, Wilmington
Murphy Hall, Albemarle
Nelia Hamby, Kannapolis
Panayiotis A. Harakas, Gastonia
Mary Hassell, Greensboro
Alexis G. Heim, Raleigh
Rachel Hembree, Winston-Salem
Katarina Hergeth, Apex
Jessica Lynne Herndon, Rocky Mount
Bradford Andrew Hill, Raleigh
Clair Kathryn Hilliard, Stoneville
Paige Nicole Hixon, Clemmons
Shamika Hodge, Knightdale
Mary McAllister Holland, Greensboro
Nathaniel William Honaker, Raleigh
Fancia Hopper, Charlotte
Christopher Michael Horne,
Fayetteville
Tyler Franklin Horne, Fayetteville
Amanda Kay Huber, Winterville
Lindsey Cloninger Huckabee,
Belmont
Anna Christine Hudson, Elon
Meredith Hughes, Hayesville
Virginia Hughes, Goldsboro
Kimberly N. Hunter, Durham
Justin M. Huntley, Mooresville
Jeffery Hurley, Gibsonville
Evan Hutchinson, North Wilkesboro
Christopher Ilderton, High Point
Jalycia James, Greensboro
Rebekah Quinn Jewell, Clayton
Allison Carol Johnson, Coats
Austin M. Johnson, Cary
Holly Johnson, Greensboro
Jeffrey Johnson, Dunn
Nicholas Johnson, Greensboro
Donald A. Jones, Jr., Wake Forest
Jason Jones, Charlotte
William K. Jordan, Pisgah Forest
Dane Jorgensen, Black Mountain
Iheatu Kanu, Raleigh
John Ryan Keen, Kenly
Jamie Marie Keener, Raleigh
Jennifer A. Keys, Boomer
Challen King, Charlotte
Maria E. King, Greensboro
Vernon E. King, Asheboro
Stephen Richard Kling,
Winston-Salem
William Knowles, Reidsville
Stephen H. Kouba, Jr., Fayetteville
Eron William Kuhlert, Apex
Kendall M. Lancaster, Raleigh
Jennifer Langston, Richlands
Adam S. Lanier, Tarboro
Kenneth Lathan, Fayetteville
Scott Leath, Fuquay Varina
Laura Elise LeBlanc, Raleigh
Klara E. Ledford, Franklin
Cameron Paul Lee, Cary

Laura Grace Lemond, Belmont
Alexandra Leonard, Garner
Kenley Lesak, Concord
Alexander R. Lindsey, Raleigh
Amanda Catherine Long, Raleigh
Valerie C. Long, Rocky Mount
Alexandra E. Lowe, Burlington
Joshua A. Ludwig, Wake Forest
Cierra Chantee Mack, Charlotte
Phyllis Marshal, Nashville
William Skylar Marshall, Garner
Michael Mazzoleni, Raleigh
Matthew McChargue, Garner
Terron McDougald, Fayetteville
Karitha McDowell, Gastonia
Cherrelle McKnight, Lillington
Terry O. McLean, Youngsville
Emily McVey, Burlington
Corrine Mellin, Raleigh
Eric Cameron Melton, Wilkesboro
Alice Miller, Greensboro
Daladier Miller, Cary
Elizabeth K. Moore, High Point
J'Leighsa Moore, Fayetteville
Amanda T. Mordecai, Raleigh
Christopher Morgan, Thomasville
Grant Hall Morine, Wilmington
Natalie Marie Moss, Gastonia
William A. Motley, Cary
Kelsey Dail Murray, Nashville
Hannah Rae Myers, Lexington
Jillian R. Myers, Wilkesboro
Dillon Mitchell Nance, Rutherfordton
Wiley Narron, Smithfield
Olivia Newman, Summerfield
Katherine Newton, Raleigh
Robert Niegelsky, Greensboro
Sarah Elizabeth Nolan, Cary
Caitlin Oakley, Concord
Brianna L. Oliver, Drexel
Tiffany Owens, Durham
Kelly Page, Rocky Mount
Alexander L. Peacock, Goldsboro
Michael Pell, Gibsonville
Ethan James Peterson,
Green Mountain

Caitlin Blair Phillips, Hickory
Luke H. Pickard, Charlotte
Derek Clifford Pinkerton,
Moravian Falls
Elizabeth Ann Plemmons, Candler
Brent Bussey Plyler, Raleigh
Scott Possiel, Raleigh
Meredith Potter, Pinehurst
Anthony Powell, Garner
Lindsay Suzanne Powell, Wallace
Michael Charles Qubein, High Point
Julian Quesada, Apex
Margaret Christina Reardon,
Burlington
Ashlyn E. Reaves, Fuquay Varina
Alex Elizabeth Register, Burlington
Anne K. Reid, High Point
Thomas Earl Rhodes, Jr., Goldsboro
Alvin Dale Riley, Charlotte
Chancey Ann Rouse, Raleigh
Mark Brandon Rouse, Gastonia
Samantha Lynn Rouse, Raleigh
Sarah Ashley Rouse, Raleigh
Carlton Bland Royster, Jr., Wendell
Brittany Ashton Samples, Norwood
Alexander Westwood Saunders,
Winston-Salem
Cameron Elizabeth Saunders, Cary
Laney Schenk, Gastonia
Sarah Senter, Browns Summit
Kara Simpson, Gastonia
Nathaniel Issac Sink, Lexington
Nicholas Sipes, Greensboro
Emily Alan Skipper, Raleigh
Joseph Ryan Skrabal, Wilmington
Ruth Small, Greensboro
Brandon Smith, Ermul
Courtney R. Smith, Wallace
Delisha H. Smith, Raleigh
Stephanie Candace Smith, Raleigh
Thomas Lynwood Smith, High Point
Joshua Harrington Snyder,
Wilmington
Matthew W. Southern, Kernersville
Aaron Squires, Chapel Hill
Ashleigh Nicole Stephens, Lumberton

Matthew Grainger Stewart,
Greensboro

Hampton Ashley Story, Raleigh

Hunter Thomas Story, Littleton

Coty Stroud, Trenton

Sarah G. Stroud, Wake Forest

Annsley Elizabeth Stroupe,
Cherryville

Josh Tarkington, Huntersville

Grace Morgan Taylor, Chapel Hill

Jekeya Taylor, Durham

Julia Renee Taylor, Chapel Hill

Marie Taylor, Fletcher

Meghan Taylor, Chapel Hill

Chapman Karlsson Thomas,
Hendersonville

Taylor Thomas, High Point

Kelly Thornton, Cary

Hannah Townsend, Beaufort

Bridget VanDyke, Raleigh

Jackson Vickery, Chapel Hill

R. Grace Wakefield, Valdese

Taylor Warren, Raleigh

Lauren Weatherly, Greensboro

Hannah Suzanne Welch, Gastonia

Laura West, Raleigh

Terrell White, Gastonia

Kendra Denea Whitworth, Shelby

Brea Janise Wilkerson, Durham

Jason Tyler Williams, Clayton

Maria Christina Willis, Hatteras

Ross Wilson, Gastonia

Kay N. Witherspoon, Charlotte

John Lucas Phillip Wood,
Elizabeth City

PRESIDENT OF THE SENATE APPOINTMENTS

The following appointments to Boards and Commissions were made during 2006 by The Honorable Beverly E. Perdue, Lieutenant Governor and President of the Senate.

	Appointed	Expires
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PUBLIC HEALTH STUDY COMMISSION

G.S. 120-195

The Rev. Reginald Wells	5/31/2006	4/30/2008
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SENATE PRESIDENT PRO TEMPORE APPOINTMENTS

The following appointments and recommendations to Boards and Commissions were made during 2006 by The Honorable Marc Basnight, President *Pro Tempore*.

	Appointed	Expires
ACUPUNCTURE LICENSING BOARD		
G.S. 90-453(a)		
Mr. Ken Morehead	7/31/2006	6/30/2009
AGING STUDY COMMISSION		
G.S. 120-182		
Sen. Katie G. Dorsett	8/31/2006	6/30/2007
AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE		
G.S. 106-744(g); SL2005-390 sec. 17		
Mr. William Holbrook	8/31/2006	12/31/2008
AGRICULTURE FINANCE AUTHORITY		
G.S. 122D-4(b)		
Mr. James R. Britt	7/31/2006	7/1/2009
Mr. Robert Frank Timberlake	7/31/2006	7/1/2009
ARBORETUM BOARD OF DIRECTORS		
G.S. 116-243(2)		
Ms. Gladys R. Brooks	8/1/2006	6/30/2010
ATHLETIC TRAINER EXAMINERS BOARD		
G.S. 90-524(b)(1)		
Mr. Robert J. Casmus	8/1/2006	6/30/2008
Ms. Michelle E. Piette	8/1/2006	6/30/2008
AUTISM SPECTRUM DISORDER (ASD), LAW ENFORCEMENT, PUBLIC SAFETY, AND FIRST RESPONDERS (2005), JOINT COMMITTEE		
G.S. 120-19.6; Letter of 11-21-2005-House Rule 26(a), Sen. Rule 31		
Ms. Susan DeCapsye	9/19/2006	12/31/2006
BIOTECHNOLOGY CENTER BOARD OF DIRECTORS		
Bylaws-10/17/2000		
The Hon. Steve Troxler	1/11/2006	6/30/2007

President <i>Pro Tempore</i> Appointments	Appointed	Expires
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BUILDING COMMISSION

G.S. 143-135.25(c)(2)

Mr. Terry Turner	8/1/2006	6/30/2009
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CAMPAIGN FINANCE LAWS (2005), SENATE COMMITTEE

G.S. 120-19.6; Letter of 11-14-2006-Senate Rule 31

Sen. Philip E. Berger	11/14/2006	12/31/2006
Sen. Julia C. Boseman	11/14/2006	12/31/2006
Sen. Daniel G. Clodfelter	11/14/2006	12/31/2006
Sen. Vernon Malone	11/14/2006	12/31/2006
Sen. Tony Rand	11/14/2006	12/31/2006
Sen. Richard Y. Stevens	11/14/2006	12/31/2006

CAPITAL PLANNING COMMISSION

G.S. 143B-374; SL91-739

Sen. Richard Y. Stevens	3/23/2006	1/31/2007
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CENTER FOR APPLIED FURNITURE TECHNOLOGY (2005), JOINT COMMITTEE

G.S. 120-19.6; Letter of 04-26-2006-House Rule 26(a), Sen. Rule 31

Sen. Jim Jacumin (Co-Chair)	4/26/2006	12/31/2006
Sen. Stan W. Bingham	4/26/2006	12/31/2006
Dr. Kenneth Boham	4/26/2006	12/31/2006
Mr. Dave Groom	4/26/2006	12/31/2006
Sen. David W. Hoyle	4/26/2006	12/31/2006
Mr. F. Jay Reardon	4/26/2006	12/31/2006

CENTER FOR NURSING BOARD OF DIRECTORS

G.S. 90-171.71(a)(1)

Ms. Judy Seamon	7/31/2006	6/30/2009
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CHILD CARE COMMISSION

G.S. 143B-168.3

Ms. Margaret Anne Biddle	8/1/2006	6/30/2008
Ms. Beth Rector	8/1/2006	6/30/2008

CHILDREN AND YOUTH COMMISSION

G.S. 120-215

Sen. Eleanor G. Kinnaird (Co-Chair)	10/31/2006	8/13/2007
Sen. Bob Atwater	10/31/2006	8/13/2007
Sen. Doug Berger	10/31/2006	8/13/2007

President *Pro Tempore* Appointments Appointed Expires

CHILDREN AND YOUTH COMMISSION (continued)

G.S. 120-215

Ms. Selena Berrier	10/31/2006	8/13/2007
Sen. Stan W. Bingham	10/31/2006	8/13/2007
Ms. Helen Brantley	10/31/2006	8/13/2007
Mr. Jay Bryan	10/31/2006	8/13/2007
Ms. Valerie Foushee	10/31/2006	8/13/2007
The Hon. H. Paul McCoy, Jr.	10/31/2006	8/13/2007
Ms. Cathy Moore	10/31/2006	8/13/2007
Ms. Penny Spry	10/31/2006	8/13/2007

CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES

G.S. 113-145(b)(8)

Ms. Claudette Weston	8/1/2006	6/30/2009
Mr. Jerry Wright	8/1/2006	6/30/2009

CODE OFFICIALS QUALIFICATION BOARD

G.S. 143-151.9(a)(4)

Ms. Valoree Eikinas	8/1/2006	6/30/2010
Ms. Deborah Simpson	8/1/2006	6/30/2010

CONSUMER AND FAMILY ADVISORY COMMITTEE

G.S. 122C-171; SL2006-142 sec. 5

Mr. Zachariah Commander	10/5/2006	6/30/2008
Mr. Bill Cook, Jr.	10/5/2006	6/30/2007
Ms. Colleen Vaughn	10/5/2006	6/30/2009

CORRECTIONS, CRIME CONTROL AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.93

Sen. Eleanor G. Kinnaird (Co-Chair)	4/7/2006	1/31/2007
Sen. C. W. Bland	4/7/2006	1/31/2007

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

G.S. 143B-273.6; SL93-534

Sen. C. W. Bland	4/20/2006	11/30/2006
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President *Pro Tempore* Appointments Appointed Expires**DEPARTMENT OF TRANSPORTATION DISADVANTAGED
MINORITY-OWNED AND WOMEN-OWNED BUSINESSES PROGRAM,
JOINT LEGISLATIVE COMMITTEE**

G.S.120-270; SL2006-261 sec. 5

Sen. Charlie Smith Dannelly	10/4/2006	6/30/2007
Sen. Katie G. Dorsett	10/4/2006	6/30/2007
Sen. Malcolm Graham	10/4/2006	6/30/2007
Sen. Fletcher Lee Hartsell, Jr.	10/4/2006	6/30/2007
Sen. S. Clark Jenkins (Ex-officio)	10/4/2006	6/30/2007

DIETETICS/NUTRITION BOARD

G.S. 90-354

Ms. Julienne Stewart	8/1/2006	6/30/2009
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**DISCIPLINARY HEARING COMMISSION OF THE NORTH
CAROLINA STATE BAR**

G.S. 84-28.1(a)

Mr. R. Mitchell Tyler	8/1/2006	6/30/2009
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DOMESTIC VIOLENCE COMMISSION

G.S. 143B-394.15

Sen. Julia C. Boseman	9/1/2006	8/31/2008
The Hon. Valerie Asbell	9/1/2006	8/31/2008
Sgt. John Guard	9/1/2006	8/31/2008
Ms. Patricia Melvin	9/1/2006	8/31/2008
The Hon. Laura Powell	9/1/2006	8/31/2008

DOMESTIC VIOLENCE, JOINT LEGISLATIVE

G.S. 120-265; SL2005-356

Sen. Julia C. Boseman (Co-Chair)	2/9/2006	1/31/2007
Sen. Bob Atwater	2/9/2006	1/31/2007
Sen. Harris D. Blake	2/9/2006	1/31/2007
Sen. Don W. East	2/9/2006	1/31/2007
Sen. Malcolm Graham	2/9/2006	1/31/2007
Sen. Kay R. Hagan	3/22/2006	1/31/2007
Sen. Jim Jacumin	2/9/2006	1/31/2007
Sen. John J. Snow, Jr.	2/9/2006	1/31/2007

DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION (2003)

SL2003-314 sec. 3.4(b)

Sen. Janet Cowell	8/21/2006	
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President *Pro Tempore* Appointments Appointed Expires

e-NC AUTHORITY

G.S. 143B-437.46

Mr. Jon R. Hamm	1/1/2007	12/31/2007
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ECONOMIC DEVELOPMENT BOARD

G.S. 143B-434

Sen. S. Clark Jenkins	7/12/2006	6/30/2008
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ECONOMIC DEVELOPMENT INFRASTRUCTURE (2005)

SL2006-248 sec. 27.1

Sen. Linda D. Garrou (Co-Chair)	9/21/2006	1/31/2007
Sen. David W. Hoyle (Co-Chair)	9/21/2006	1/31/2007
Mr. Ronnie Bryant	9/21/2006	1/31/2007
The Hon. J. Richard Conder	9/21/2006	1/31/2007
Sen. Walter H. Dalton	9/21/2006	1/31/2007
Sen. Don W. East	9/21/2006	1/31/2007
Sen. Kay R. Hagan	9/21/2006	1/31/2007
Mr. Billy Ray Hall	9/21/2006	1/31/2007
Mr. Donny Hicks	9/21/2006	1/31/2007
Mr. Don Kirkman	9/21/2006	1/31/2007
Ms. Sheila Hale Ogle	9/21/2006	1/31/2007
Mr. Mickey Price	9/21/2006	1/31/2007
Mr. James Smith	9/21/2006	1/31/2007
Sen. John J. Snow, Jr.	9/21/2006	1/31/2007
Mr. Tom Thompson	9/21/2006	1/31/2007
Sen. David F. Weinstein	9/21/2006	1/31/2007

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

G.S. 143-510(3)

Mr. Stephen M. Taylor	8/1/2006	6/30/2009
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EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY (2005), JOINT STUDY COMMITTEE

G.S. 120-19.6; Letter of 02-03-2006-House Rule 26(a), Sen. Rule 31

Sen. Martin L. Nesbitt, Jr. (Co-Chair)	2/3/2006	12/31/2006
Sen. Julia C. Boseman, Vice-Chair	2/3/2006	12/31/2006
Sen. Katie G. Dorsett, Vice-Chair	2/3/2006	12/31/2006
Sen. Vernon Malone, Vice-Chair	2/3/2006	12/31/2006
Sen. Thomas M. Apodaca	2/3/2006	12/31/2006
Sen. C. W. Bland	2/3/2006	12/31/2006
Sen. Harry Brown	2/3/2006	12/31/2006
Dr. Leah Devlin	2/3/2006	12/31/2006

President Pro Tempore Appointments Appointed Expires**EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY (2005), JOINT STUDY COMMITTEE (continued)**

G.S. 120-19.6; Letter of 02-03-2006-House Rule 26(a), Sen. Rule 31

Mr. Bill Gentry	2/3/2006	12/31/2006
Mr. Duke Geraghty	2/3/2006	12/31/2006
Ms. Gibbie Harris	4/24/2006	12/31/2006
Sen. Fletcher Lee Hartsell, Jr.	2/3/2006	12/31/2006
Mr. H. Douglas Hoell	2/3/2006	12/31/2006
Maj. Gen. William E. Ingram, Jr.	2/3/2006	12/31/2006
Sen. S. Clark Jenkins	2/3/2006	12/31/2006
Sen. Jeanne Hopkins Lucas	2/3/2006	12/31/2006
Sen. Keith Presnell	2/8/2006	12/31/2006
Mr. Spencer Rogers	2/3/2006	12/31/2006
Sen. John J. Snow, Jr.	2/3/2006	12/31/2006
Mr. Randy W. Thompson	2/8/2006	12/31/2006

ENERGY POLICY COUNCIL

G.S. 113B-2; SL77-23

Sen. Richard Y. Stevens	9/15/2006	1/31/2007
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ENVIRONMENTAL JUSTICE (2005), JOINT SELECT COMMITTEE

SL2006-244 sec. 5(a)

Sen. Larry Shaw (Co-Chair)	9/12/2006	2/1/2007
Sen. Vernon Malone	9/12/2006	2/1/2007
Sen. William R. Purcell	9/12/2006	2/1/2007
Sen. Richard Y. Stevens	9/12/2006	2/1/2007

ENVIRONMENTAL REVIEW COMMISSION

G.S. 120-70.41; SL1997-31

Sen. Stan W. Bingham	3/17/2006	1/31/2007
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EQUINE INDUSTRY (2005), JOINT STUDY COMMITTEE

G.S. 120-19.6; Letter of 12/08/2005-House Rule 26(a), Sen. Rule 31

Dr. John Deegan	1/30/2006	12/31/2006
Sen. Harry Brown	2/20/2006	12/31/2006

EXPANDING RAIL SERVICE (2005), JOINT LEGISLATIVE COMMISSION

SL2006-248 sec. 49.1

Sen. Martin L. Nesbitt, Jr. (Co-Chair)	9/28/2006	1/31/2007
Sen. Julia C. Boseman	9/28/2006	1/31/2007
Sen. Janet Cowell	9/28/2006	1/31/2007
Sen. Don W. East	9/28/2006	1/31/2007

President *Pro Tempore* Appointments Appointed Expires**EXPANDING RAIL SERVICE (2005), JOINT LEGISLATIVE COMMISSION (continued)**

SL2006-248 sec. 49.1

Sen. Malcolm Graham	9/28/2006	1/31/2007
Sen. S. Clark Jenkins	9/28/2006	1/31/2007
Sen. Larry Shaw	9/28/2006	1/31/2007
Sen. John J. Snow, Jr.	9/28/2006	1/31/2007

FEE-BASED PRACTICING PASTORAL COUNSELORS BOARD OF EXAMINERS

G.S. 90-385

Rev. John Arey	8/1/2006	9/30/2010
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FORESTRY COUNCIL

G.S. 143B-308; SL89-727

Mr. Will McDow	11/2/2006	6/30/2009
Mr. R. E. Newton	5/1/2006	6/30/2009
Mr. Hardy Parker	3/30/2006	6/30/2009

GEOGRAPHIC INFORMATION COORDINATING COUNCIL

G.S. 143-725; SL2001-359

Mrs. Jean Crews-Klein	6/1/2006	5/31/2007
Mr. Thomas B. Gray, Jr.	6/1/2006	5/31/2007
Mr. Richard N. Taylor	6/1/2006	5/31/2007

GOVERNMENT PERFORMANCE AUDIT, JOINT SELECT COMMITTEE

G.S. 120-19.6; Letter of 10-31-2006-House Rule 26(a), Sen. Rule 31

Sen. Daniel G. Clodfelter (Co-Chair)	10/31/2006	12/31/2006
Sen. Fletcher Lee Hartsell, Jr. (Co-Chair)	10/31/2006	12/31/2006
Sen. Linda D. Garrou	10/31/2006	12/31/2006
Sen. Malcolm Graham	10/31/2006	12/31/2006
Sen. Kay R. Hagan	10/31/2006	12/31/2006
Sen. S. Clark Jenkins	10/31/2006	12/31/2006
Sen. Martin L. Nesbitt, Jr.	10/31/2006	12/31/2006
Sen. Richard Y. Stevens	10/31/2006	12/31/2006

GOVERNMENTAL OPERATIONS COMMISSION, JOINT LEGISLATIVE

G.S. 120-73

Sen. C. W. Bland	4/7/2006	1/31/2007
Sen. John J. Snow, Jr.	4/7/2006	1/15/2007

President *Pro Tempore* Appointments Appointed Expires

GOVERNOR'S ADVISORY COUNCIL ON AGING

G.S. 143B-180

Ms. Betty Britt Rising	7/25/2006	6/30/2010
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GOVERNOR'S CRIME COMMISSION

G.S. 143B-478; SL91-739

Sen. John J. Snow, Jr.	4/20/2006	2/28/2007
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GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH

G.S. 130A-33.41; SL91-96

Sen. James S. Forrester	8/7/2006	7/1/2007
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**GROWTH STRATEGIES OVERSIGHT COMMITTEE, JOINT
LEGISLATIVE**

G.S. 120-70.120; SL2001-491 sec. 3.1

Sen. Daniel G. Clodfelter (Co-Chair)	2/28/2006	1/31/2007
Sen. Stan W. Bingham	2/28/2006	1/31/2007
Sen. Janet Cowell	2/28/2006	1/31/2007
Sen. Charlie Smith Dannelly	2/28/2006	1/31/2007
Sen. Fletcher Lee Hartsell, Jr.	2/28/2006	1/31/2007
Sen. Robert Charles Soles, Jr.	2/28/2006	1/31/2007

HEALTH AND WELLNESS TRUST FUND COMMISSION

G.S. 147-86.32; SL2000-147 sec. 2

Dr. Nona I. Breeland	11/6/2006	6/30/2010
Dr. Olson Huff	11/6/2006	6/30/2010

HIGHER EDUCATION BOND OVERSIGHT COMMITTEE

SL2000-3 sec. 4

Mr. Paul Fulton (Co-Chair)	8/17/2006	1/14/2007
Mr. William A. Long	8/17/2006	1/14/2007
Mr. William G. Smith	8/17/2006	1/14/2007

HOME INSPECTOR LICENSURE BOARD

G.S. 143-151.46(a)(2)

Mr. Talmadge Jones	8/1/2006	6/30/2010
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HUMAN RELATIONS COMMISSION

G.S. 143B-391

Ms. Carlene Fletcher	8/23/2006	6/30/2008
Mr. James F. Jones	8/23/2006	6/30/2008

President *Pro Tempore* Appointments Appointed Expires

**INFORMATION TECHNOLOGY, JOINT LEGISLATIVE OVERSIGHT
COMMITTEE**

G.S. 120-230; SL1999-237 sec. 22a

Sen. Bob Atwater	1/25/2006	1/30/2007
Sen. Jim Jacumin	1/25/2006	1/30/2007
Sen. Richard Y. Stevens	1/25/2006	1/30/2007

INTERPRETER AND TRANSLITERATOR LICENSING BOARD

G.S. 90D-5

Ms. Kathleen Beetham	8/1/2006	6/30/2009
Ms. Lorene Roberson	8/1/2006	6/30/2009
Mr. James Sewell	8/1/2006	6/30/2009

INTERSTATE ADULT OFFENDER SUPERVISION STATE COUNCIL

G.S. 148-65.6; SL2002-166 sec. 1

Sen. Tony Rand	4/20/2006	12/31/2006
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JUDICIAL COUNCIL

G.S. 7A-409.4

Ms. Jane Griffin	1/1/2007	12/31/2010
Mr. Lonnie Player	8/1/2006	12/31/2008

**JUVENILE JUSTICE AND DELINQUENCY PREVENTION ADVISORY
COUNCIL**

G.S. 143B-556(c)(3)

Sen. Eleanor G. Kinnaird	7/26/2006	12/31/2007
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LAND AND WATER CONSERVATION COMMISSION (2005)

SL2006-223

Sen. Charlie W. Albertson (Co-Chair)	8/28/2006	2/1/2007
Sen. Daniel G. Clodfelter (Co-Chair)	9/12/2006	2/1/2007
(Resigned)		
Sen. Janet Cowell	8/28/2006	2/1/2007
Ms. Katherine Skinner	8/28/2006	2/1/2007
Sen. John J. Snow, Jr.	8/28/2006	2/1/2007
Dr. Larry Tombaugh	8/28/2006	2/1/2007

LICENSE TO GIVE TRUST FUND

G.S. 20-7.5(1)(a)

Mr. Ken Burkel	8/1/2006	4/30/2007
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President <i>Pro Tempore</i> Appointments	Appointed	Expires
LOCKSMITH LICENSURE BOARD		
G.S. 74F-5(a)(1)		
Mr. Ronald Cox	1/1/2007	12/31/2010
MANUFACTURED HOUSING BOARD		
G.S. 143-143.10		
Mr. Michael Perkins	10/1/2006	6/30/2009
MASSAGE AND BODYWORK THERAPY BOARD		
G.S. 90-625		
Mrs. Laura Allen	8/1/2006	6/30/2009
Mrs. Nancy Toner Weinberger	8/1/2006	6/30/2009
MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE		
G.S. 143b-148		
Dr. Richard Brunstetter	8/1/2006	6/30/2007
Mr. Tom Ryba	7/31/2006	6/30/2008
MILITARY AFFAIRS ADVISORY COMMISSION		
G.S. 127C-1; SL2001-424 sec. 12.1		
Sen. C. W. Bland	4/18/2006	12/31/2007
The Hon. William H. Stanley	9/15/2006	12/31/2007
MINORITY HEALTH ADVISORY COUNCIL		
G.S. 130A-33.43; SL91-900		
Sen. Charlie Smith Dannelly	7/26/2006	6/30/2008
Sen. William R. Purcell	7/26/2006	6/30/2008
MUNICIPAL INCORPORATIONS COMMISSION, JOINT LEGISLATIVE		
G.S. 120-158		
Sen. Fletcher Lee Hartsell, Jr. (Co-Chair)	8/16/2006	6/30/2007
Sen. Vernon Malone	8/16/2006	6/30/2007
Mr. Stephen W. Raper	8/16/2006	6/30/2007
NATIONAL HERITAGE AREA DESIGNATION COMMISSION		
SL2001-491 sec. 18.4		
Sen. John J. Snow, Jr. (Co-Chair)	8/23/2006	12/31/2006
Sen. Martin L. Nesbitt, Jr.	8/23/2006	12/31/2006

President *Pro Tempore* Appointments Appointed Expires

NEW LICENSING BOARDS

G.S. 120-149.6

Sen. Bob Atwater	5/11/2006	12/31/2006
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NORTH CAROLINA CODE OFFICIALS QUALIFICATIONS BOARD

G.S. 143-151.9(A)(4)

Ms. Valoree Eikinas	8/1/2006	6/30/2010
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Ms. Deborah Simpson	8/1/2006	6/30/2010
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PARKS AND RECREATION AUTHORITY

G.S. 143B-313.2(a)

Mr. Cody Grasty	8/1/2006	6/30/2009
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PORTS AUTHORITY

G.S. 143B-452

Mrs. Laura Wilson	8/1/2006	6/30/2008
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PRIVATE PROTECTIVE SERVICES BOARD

G.S. 74C-4(b)

Mr. Berkley Blanks	8/1/2006	6/30/2008
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Mr. Richard Jenkins	8/1/2006	6/30/2008
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Mr. Steve Johnson	8/1/2006	6/30/2009
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PROFESSIONAL EMPLOYER ORGANIZATION ADVISORY COUNCIL

G.S. 58-89-10

Sen. Stan W. Bingham	8/1/2006	12/31/2009
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Ms. Suzanne Clifton	8/1/2006	12/31/2009
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PROFESSIONAL TEACHING STANDARDS COMMISSION

G.S. 115C-295.1; SL93-740

Mr. David Corsetti	9/5/2006	8/31/2008
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Ms. Sheree Covey	9/5/2006	8/31/2008
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Ms. Amy Felicia Eybl	9/5/2006	8/31/2008
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Ms. Alex Jordan	9/1/2006	8/31/2008
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PROGRESS BOARD

G.S. 143B-372.1; SL95-117

Sen. Daniel G. Clodfelter	5/23/2006	6/30/2006
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Sen. Daniel G. Clodfelter (Reappointed)	9/12/2006	6/30/2010
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Mr. Marlowe Weldon Foster	9/12/2006	6/30/2010
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President *Pro Tempore* Appointments Appointed Expires

PUBLIC HEALTH STUDY COMMISSION

G.S. 120-195

Sen. William R. Purcell (Co-Chair)	8/23/2006	6/30/2008
Sen. Bob Atwater	8/23/2006	6/30/2008
Sen. Katie G. Dorsett	8/23/2006	6/30/2008
Sen. James S. Forrester	8/23/2006	6/30/2008
Sen. Vernon Malone	8/23/2006	6/30/2008

RESPIRATORY CARE BOARD

G.S. 90-650(a)(3)

Dr. Karl Karlson	11/1/2006	10/31/2009
Mr. Ralph Webb	11/1/2006	10/31/2009

ROANOKE ISLAND COMMISSION

G.S. 143B-131.6(a)(2)

Mr. William Kealy	8/1/2006	6/30/2009
Mr. Bobby Owens	8/1/2006	6/30/2009
Ms. Joann Williams	8/1/2006	6/30/2009

SCHOOL TECHNOLOGY COMMISSION

G.S. 115C-102.5

Mr. Frederick Bartholomew (Co-Chair)	2/15/2006	6/30/2007
Mr. F. V. Allison, Jr.	2/15/2006	6/30/2007
Mrs. LaHarve Johnson	2/15/2006	6/30/2007
Sen. Vernon Malone	2/15/2006	6/30/2007
Mr. Reid Parrott	2/15/2006	6/30/2007
Sen. A. B. Swindell IV	2/15/2006	6/30/2007

SEAFOOD AND AQUACULTURE, JOINT LEGISLATIVE COMMISSION

G.S. 120-70.60

Sen. C. W. Bland	4/20/2006	1/31/2007
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SENTENCING AND POLICY ADVISORY COMMISSION

G.S. 164-35; SL95-236

Sen. Stan W. Bingham	5/8/2006	6/30/2007
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SMALL BUSINESS HEALTH CARE COMMITTEE, SENATE SELECT (2005)

G.S. 120-19.6; Letter of 09-21-2006-Senate Rule 31

Sen. William R. Purcell (Co-Chair)	9/21/2006	12/31/2006
Sen. Tony Rand (Co-Chair)	9/21/2006	12/31/2006

President *Pro Tempore* Appointments Appointed Expires

**SMALL BUSINESS HEALTH CARE COMMITTEE, SENATE SELECT
(2005) (continued)**

G.S. 120-19.6; Letter of 09-21-2006-Senate Rule 31

Sen. Bob Atwater	9/21/2006	12/31/2006
Sen. Julia C. Boseman	9/21/2006	12/31/2006
Sen. Janet Cowell	9/21/2006	12/31/2006
Sen. James S. Forrester	9/21/2006	12/31/2006
Sen. John H. Kerr III	9/21/2006	12/31/2006
Sen. Larry Shaw	9/21/2006	12/31/2006

**STATE AND LOCAL FISCAL MODERNIZATION STUDY
COMMISSION (2005)**

SL2006-248 sec. 47.1

Sen. David W. Hoyle (Co-Chair)	10/25/2006	5/1/2007
Sen. Tony Rand (Co-Chair)	10/25/2006	5/1/2007
Sen. Peter S. Brunstetter	10/25/2006	5/1/2007
Mr. Joe Carpenter	10/25/2006	5/1/2007
Sen. Daniel G. Clodfelter	10/25/2006	5/1/2007
Ms. Sue W. Cole	10/25/2006	5/1/2007
Mr. J. Keith Crisco	11/29/2006	5/1/2007
Mr. Keith Davis	10/25/2006	5/1/2007
Mr. Frank B. Holding, Jr. (Resigned)	10/25/2006	5/1/2007
Ms. Linda T. Jones	10/25/2006	5/1/2007
Mrs. Beth B. Ward	10/25/2006	5/1/2007

STATE CONSTRUCTION INSPECTIONS (2005)

SL2006-248 sec. 15.1

Sen. Stan W. Bingham (Co-Chair)	9/26/2006	1/31/2007
Mr. Paul Davis Boney	9/26/2006	1/31/2007
Sen. Kay R. Hagan	9/26/2006	1/31/2007
Sen. Eleanor G. Kinnaird	9/26/2006	1/31/2007
Mr. William G. Smith	9/26/2006	1/31/2007

**STATE INCOME DISABILITY PLAN AND OTHER RELATED PLANS
(2005)**

G.S. 120-19.6; Letter of 10-25-2006-Senate Rule 31

Sen. Vernon Malone (Chair)	10/25/2006	12/31/2006
Sen. Bob Atwater	10/25/2006	12/31/2006
Sen. Doug Berger	10/25/2006	12/31/2006
Sen. Charlie Smith Dannelly	10/25/2006	12/31/2006
Sen. Katie G. Dorsett	10/25/2006	12/31/2006
Sen. Linda D. Garrou	10/25/2006	12/31/2006
Sen. David W. Hoyle	10/25/2006	12/31/2006
Sen. Tony Rand	10/25/2006	12/31/2006

President *Pro Tempore* Appointments Appointed Expires**STATE INCOME DISABILITY PLAN AND OTHER RELATED PLANS
(2005) (continued)**

G.S. 120-19.6; Letter of 10-25-2006-Senate Rule 31

Mrs. Chris Evans	10/25/2006	12/31/2006
Mr. Buck Lattimore	10/25/2006	12/31/2006
Ms. Kitty McCollum	10/25/2006	12/31/2006
Mr. Michael Williamson	10/25/2006	12/31/2006
Ms. Karen Yerby	10/25/2006	12/31/2006

STATE PROPERTY/SALE OF STATE PROPERTY

G.S. 143-735(b)(2)

Mr. Walter Lee Crouch, Jr.	8/1/2006	8/14/2008
Mr. John D. Bridgeman	8/1/2006	8/14/2008
Mr. I. Jarvis Martin	8/1/2006	8/14/2008
Mr. Frank Traywick	8/1/2006	8/14/2008

STATE WATER INFRASTRUCTURE COMMISSION

G.S. 159G-65

Mr. Harold Herring	1/12/2006	1/12/2008
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STRUCTURAL PEST CONTROL COMMISSION

G.S. 106-65.23

Mr. William Tesh	8/1/2006	6/30/2010
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SUBSTANCE ABUSE ADVISORY COUNCIL

G.S. 143B-270; SL91-405

Mr. Ashley D. Cox	8/31/2006	9/30/2009
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SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD

G.S. 90-113.32

Mr. David Turpin	8/1/2006	6/30/2010
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**TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR
MEDICAL PLAN BOARD OF TRUSTEES**

G.S. 135-39(d)

Ms Pam Silberman	8/1/2006	6/30/2008
Ms Marion Sullivan	8/1/2006	6/30/2008

**THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS
(2005), SENATE SELECT COMMITTEE**

G.S. 120-19.6; Letter of 09-18-2006-Senate Rule 31

Sen. Tony Rand (Co-Chair)	9/18/2006	12/31/2006
Sen. Thomas M. Apodaca	9/18/2006	12/31/2006

President *Pro Tempore* Appointments Appointed Expires

**THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS
(2005), SENATE SELECT COMMITTEE (continued)**

G.S. 120-19.6; Letter of 09-18-2006-Senate Rule 31

Sen. Linda D. Garrou	9/18/2006	12/31/2006
Sen. Jeanne Hopkins Lucas	9/18/2006	12/31/2006
Sen. Vernon Malone	9/18/2006	12/31/2006
Sen. Richard Y. Stevens	9/18/2006	12/31/2006
Sen. A. B. Swindell IV	9/18/2006	12/31/2006
Sen. David F. Weinstein	9/18/2006	12/31/2006

TOBACCO TRUST FUND COMMISSION

G.S. 143-717; SL2000-147 sec. 3

Mr. Robert B. Boyd	11/14/2006	6/30/2010
Mr. William D. Small	11/13/2006	6/30/2010

**TRANSPORTATION OVERSIGHT COMMITTEE, JOINT
LEGISLATIVE**

G.S. 120-70.50

Sen. Richard Y. Stevens	3/23/2006	1/31/2007
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TRAUMATIC BRAIN INJURY ADVISORY COUNCIL

G.S. 143B-216.65; SL2003-114

Dr. Flora Hammond	8/14/2006	9/30/2007
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TRAVEL AND TOURISM BOARD

G.S. 143B-434.1; SL91-959

Sen. Walter H. Dalton	5/1/2006	12/31/2006
Ms. Teresa Damiano	10/22/2006	12/31/2006

VETERINARY MEDICAL BOARD

G.S. 90-182(a)

Dr. Michael G. Davidson	8/1/2006	6/30/2011
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VOCATIONAL REHABILITATION ADVISORY COUNCIL

G.S. 143-548; SL93-248

Dr. Kacie Blalock	5/23/2006	6/30/2008
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WATERFRONT ACCESS STUDY COMMITTEE (2005)

SL2006-248 sec. 45.1

Mr. Allen Burrus	8/21/2006	4/15/2007
Dr. Barbara Garrity-Blake	8/21/2006	4/15/2007
Mr. Dave Insoe	8/21/2006	4/15/2007

President *Pro Tempore* Appointments Appointed Expires

WATERFRONT ACCESS STUDY COMMITTEE (2005) (continued)

SL2006-248 sec. 45.1

Mr. Buddy Milliken	8/21/2006	4/15/2007
Mr. Hardy Plyler	8/21/2006	4/15/2007
The Hon. John W. Vereen	8/21/2006	4/15/2007

WELL CONTRACTORS CERTIFICATION COMMISSION

G.S. 143B-301.12(a)(6)

Ms. Belinda Ferree	8/1/2006	6/30/2010
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WILDLIFE COMMISSION

G.S. 143-241

Mr. Dell Murphy	8/31/2006	4/24/2007
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WIRELESS 911 BOARD

G.S. 62A-22

Mr. David Corn	8/1/2006	6/30/2010
Ms. Christi L. Derreberry	8/1/2006	6/30/2010
Mr. Slayton Stewart	8/1/2006	6/30/2010

1898 WILMINGTON RACE RIOT JOINT STUDY COMMITTEE (2005)

G.S. 120-19.6; Letter of 01-01-2006-House Rule 26(a), Sen. Rule 31

Sen. Julia C. Boseman (Co-Chair)	1/6/2006	5/31/2006
Mr. Irving Joyner	1/6/2006	5/31/2006
Mr. Chuck Stone	1/6/2006	5/31/2006
The Hon. Kever Clark	1/6/2006	5/31/2006
Mr. Kenneth Davis	1/6/2006	5/31/2006
Ms. Ruth Haas	1/6/2006	5/31/2006
Dr. John H. Haley	1/6/2006	5/31/2006
Ms. Helyn R. Lofton	1/6/2006	5/31/2006
Mr. Harper Peterson	1/6/2006	5/31/2006
Mr. Leo Shepard	1/6/2006	5/31/2006

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